

*Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.*

Yvette Nimenya

May 23, 2018



Audrey M. Barbush, RPR
audrey@paramountreporting.com
605.321.3539

PR paramount
reporting

Min-U-Script® with Word Index

App. Tab

B

exhibitsticker.com

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 5</p> <p>1 (The interpreter was duly sworn.)</p> <p>2 YVETTE NIMENYA,</p> <p>3 called as a witness, having been first duly sworn</p> <p>4 through the interpreter, testified through the</p> <p>5 interpreter as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MS. CALEM:</p> <p>8 Q All right. We're on the record. Good morning,</p> <p>9 Ms. Nimenya.</p> <p>10 A Good morning.</p> <p>11 Q My name is Andrea Calem, and I'm the lawyer for</p> <p>12 Smithfield. I represent Smithfield in the lawsuit that</p> <p>13 you and Ms. Naambwe have brought against the company.</p> <p>14 Do you understand that we're here today to get</p> <p>15 your testimony in that lawsuit?</p> <p>16 A Yes, I understand.</p> <p>17 Q Have you ever had your deposition taken before?</p> <p>18 A No, I haven't.</p> <p>19 Q All right. I'm going to go through a few ground rules</p> <p>20 for the deposition that will hopefully make things go</p> <p>21 smoothly today.</p> <p>22 The oath that you just take -- that you just took,</p> <p>23 rather, is the same oath that you would take in a court</p> <p>24 of law. You've sworn to tell the truth under penalty</p> <p>25 of perjury. You understand that?</p>	<p style="text-align: right;">Page 7</p> <p>1 everything that everybody says, and she cannot take</p> <p>2 down gestures, like nods or shrugs. So your answers</p> <p>3 have to be verbal at all times.</p> <p>4 A Yes.</p> <p>5 Q Sometimes your attorney may object to my question.</p> <p>6 That doesn't mean that you can't answer the question.</p> <p>7 Your attorney is doing her job and preserving the</p> <p>8 objections for the record. She will tell you if she</p> <p>9 doesn't want you to answer.</p> <p>10 A (No response after translation of question)</p> <p>11 Q All right?</p> <p>12 A Ndiyo.</p> <p>13 Q We can take breaks if you need a break periodically.</p> <p>14 Please just tell me if you would like a break. The</p> <p>15 only thing I would ask is, if there's a question</p> <p>16 pending, please answer it before we take the break.</p> <p>17 A Yes.</p> <p>18 Q Are you taking any medication today?</p> <p>19 A Yes, pregnancy meds.</p> <p>20 Q Pregnancy-related medication?</p> <p>21 A Yes.</p> <p>22 Q So is there anything about that medication that would</p> <p>23 interfere with your ability to understand and answer my</p> <p>24 questions?</p> <p>25 A No, it does [sic] have an effect.</p>
<p style="text-align: right;">Page 6</p> <p>1 A Yes, I understand.</p> <p>2 Q We're here today with your interpreter -- an</p> <p>3 interpreter who will translate my questions into</p> <p>4 Swahili for you and translate your answers from Swahili</p> <p>5 to English for me. This means the deposition might</p> <p>6 take a little longer than unusual, but it's very</p> <p>7 important that you understand all the questions that</p> <p>8 I'm going to ask.</p> <p>9 If you don't understand any question that I ask,</p> <p>10 please ask me for clarification. If you answer a</p> <p>11 question, I'm going to assume that you understood the</p> <p>12 question.</p> <p>13 You speak a little English, don't you?</p> <p>14 A Yes, I do.</p> <p>15 Q So there may be occasions when you might want to answer</p> <p>16 in English or jump in and give the answer because you</p> <p>17 understand what I'm saying.</p> <p>18 THE INTERPRETER: She says she's got a broken</p> <p>19 accent, kind of broken English.</p> <p>20 THE WITNESS: You might not understand me, so I'd</p> <p>21 rather prefer the interpreter to answer the questions</p> <p>22 instead of me.</p> <p>23 BY MS. CALEM:</p> <p>24 Q That's absolutely fine.</p> <p>25 We also have a court reporter who is taking down</p>	<p style="text-align: right;">Page 8</p> <p>1 Q I understand that sitting for a long time can be</p> <p>2 difficult if you're pregnant. Please let me know if</p> <p>3 you want to get up and stretch your legs.</p> <p>4 A Yes.</p> <p>5 Q Do you need glasses to read?</p> <p>6 A No, I don't need them.</p> <p>7 Q To get ready for this deposition, did you speak to</p> <p>8 anybody other than your lawyer?</p> <p>9 A The only person that I talk to is my husband because he</p> <p>10 knows I'm here.</p> <p>11 Q Did you speak to Ms. Naambwe at all about the questions</p> <p>12 you might be asked at the deposition?</p> <p>13 A Yes.</p> <p>14 Q Tell me about that conversation.</p> <p>15 A We just talk about our case and the problem we facing</p> <p>16 at the workplace. Nothing else.</p> <p>17 Q When you spoke about this deposition, tell me what</p> <p>18 problems at the workplace you discussed.</p> <p>19 A We don't talk a whole lot, but sometimes we talk about</p> <p>20 our work environment, why our supervisor are treating</p> <p>21 us like this and why this is happening to us.</p> <p>22 Q I'm specifically looking to find out what you did to</p> <p>23 prepare for this deposition. So did you speak to</p> <p>24 Ms. Naambwe about what you might be asked at the</p> <p>25 deposition?</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 9</p> <p>1 A Prior to this meeting, we didn't talk anything about 2 this deposition because we didn't know what kind of 3 question you would be asking. We -- now, we're not 4 integrate, you know, something that we don't know. So 5 we -- generally, we talk about our case but not about 6 this deposition of today. 7 Q I understand. Did you speak to Tom Anderson about this 8 deposition? 9 A No, I didn't. 10 Q Did you speak to anybody who is a union steward about 11 this deposition? 12 A No. 13 Q Did you review any documents in preparation for this 14 deposition? 15 A No. 16 Q Did you have an opportunity to meet with your lawyer to 17 prepare for the deposition? 18 A Yes. 19 Q I don't want to know what you and your lawyer said to 20 one another. That is off limits to me. 21 Can you tell me when you met with your lawyer to 22 prepare for this deposition? 23 THE INTERPRETER: She said she talk -- she didn't 24 talk directly to her lawyer, but she said her lawyer 25 has an employees who call her about any upcoming event</p>	<p style="text-align: right;">Page 11</p> <p>1 your current address? 2 A 1212 South Majestic View Place, Apartment No. 8. 3 Q And this is in Sioux Falls? 4 A Yes, in Sioux Falls. 5 Q Who do you live there with? 6 A With my husband and my two child. 7 Q What is your husband's name? 8 A (In English) Jeremie Nimpaye. (Through interpreter) 9 Jeremiah Nimpaye. 10 THE INTERPRETER: N-i-m-p-a-y-e. 11 BY MS. CALEM: 12 Q And what are your children's names? 13 A The first one is Tresor Manirakiza. 14 THE INTERPRETER: It's M-a-n-i -- I got to write 15 it down. I can't -- 16 MS. CALEM: Here. 17 (Sotto voce discussion between witness and 18 interpreter.) 19 THE INTERPRETER: Right there. 20 BY MS. CALEM: 21 Q So the first is Tresor, the second is Teddy? 22 A (In English, without translation of question) Yes. 23 Q I'm going to give the court reporter this so she can 24 take down the name. 25 And how old is Tresor?</p>
<p style="text-align: right;">Page 10</p> <p>1 or any meeting. So they call her and they notify her 2 that she's going to have this deposition today. 3 MS. CALEM: But she did not speak to her lawyer 4 directly about the deposition? 5 THE WITNESS: We talk on the phone yesterday when 6 she arrive here. 7 BY MS. CALEM: 8 Q Was Ms. Naambwe part of that conversation? 9 A Yes, she was present. 10 Q About how long did you speak? 11 A We talked -- on the phone, we talked -- we talked about 12 two minute and -- but we -- 13 THE INTERPRETER: She said they talked with her -- 14 with her lawyer about three hours for this deposition 15 prepar -- sort of prepar -- deposition talk. 16 MS. CALEM: To prepare? 17 THE INTERPRETER: To prepare. Sorry. 18 BY MS. CALEM: 19 Q Was that on the phone or in person? 20 A We went somewhere. We went -- we met somewhere. 21 Q I'm sorry? 22 A We were together for three hours, conversation. So... 23 Q And Ms. Naambwe was there also? 24 A Yes, she was there too. 25 Q Okay. Thank you. Can you tell me where you live now,</p>	<p style="text-align: right;">Page 12</p> <p>1 A Seven years old. 2 Q Seven? 3 THE INTERPRETER: Yeah. 4 BY MS. CALEM: 5 Q And Teddy? 6 A Oh, tomorrow -- Tresor will be seven tomorrow. 7 Q Congratulations. 8 A (In English, without translation of question) 9 Thank you. 10 (Through interpreter) Teddy's four years old. 11 Q When were you married? 12 A August 2009. 13 Q What's your date of birth? 14 A October 25, 1987. 15 Q What country are you from? 16 A Rwanda is where I was born. 17 Q When did you first come to the United States? 18 A July 28th, 2007. 19 Q Did you move to South Dakota at that time? 20 A We arrive first in Arizona, and then I moved to here, 21 when we got married, with my husband in 2009. 22 Q Did you have a job when you were in Arizona? 23 A Yes, I had a job. 24 Q What was that job? 25 A It was dishwashing.</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 13</p> <p>1 Q What company or business did you work for?</p> <p>2 A It was -- it's a --</p> <p>3 THE INTERPRETER: She says Atria, but it was like</p> <p>4 a elderly home, where they have --</p> <p>5 MS. CALEM: Oh, home for the elderly?</p> <p>6 THE INTERPRETER: Yeah.</p> <p>7 BY MS. CALEM:</p> <p>8 Q Okay. All right. Was that a full-time job?</p> <p>9 A At that time I was going to school so it was a</p> <p>10 part-time job.</p> <p>11 Q And what were you studying in school?</p> <p>12 A I was in high school.</p> <p>13 Q Did you graduate from high school?</p> <p>14 A Because of my age, they kicked me out of high school.</p> <p>15 Q What's the highest level of high school that you</p> <p>16 completed?</p> <p>17 A I complete 9th grade. I was going to 10th grade, and</p> <p>18 then I turned 21, and then in Arizona state, the</p> <p>19 regulation said you're not -- they not allow an adult</p> <p>20 over 21 years old being in high school.</p> <p>21 Q So when you turned 21, you had to leave the</p> <p>22 high school?</p> <p>23 A Yes.</p> <p>24 Q Did you have any other education or training after</p> <p>25 leaving high school?</p>	<p style="text-align: right;">Page 15</p> <p>1 A (In English, without translation of question) Tucson.</p> <p>2 (Through interpreter) Tucson.</p> <p>3 Q Nice city. And your sisters?</p> <p>4 A (In English, without translation of question) Texas.</p> <p>5 (Through interpreter) Texas.</p> <p>6 Q Where in Texas?</p> <p>7 A (In English, without translation of question) Houston.</p> <p>8 (Through interpreter) Houston.</p> <p>9 Q Have you spoken to any of your family members about</p> <p>10 this lawsuit?</p> <p>11 A Yeah, I talk to my mom about it.</p> <p>12 Q What did you tell your mother about the lawsuit?</p> <p>13 A I talk to her the whole incidents that happened at the</p> <p>14 workplace, at my job, so I pretty much explain to her</p> <p>15 what happened and how I been treated.</p> <p>16 Q When you say the incident that's happened at the</p> <p>17 workplace and how you've been treated, what do you mean</p> <p>18 by that?</p> <p>19 A I mean that they treated me different than the others.</p> <p>20 Q Who treated you differently than the others?</p> <p>21 A The supervisors and the head of supervisor.</p> <p>22 THE INTERPRETER: I don't know what you call --</p> <p>23 BY MS. CALEM:</p> <p>24 Q Okay. The superintendent?</p> <p>25 THE INTERPRETER: People who is the head of --</p>
<p style="text-align: right;">Page 14</p> <p>1 A No, I didn't.</p> <p>2 Q Before you came to the United States, did you have any</p> <p>3 high school education?</p> <p>4 A Before -- prior to United States, I was in 8th grade/</p> <p>5 high school. Actually, 8th grade in Africa is</p> <p>6 high school, so here I was in high school in 8th grade.</p> <p>7 Q And you completed 8th grade there?</p> <p>8 A Yeah, I complete 8th grade.</p> <p>9 Q Are you a citizen of this country?</p> <p>10 A I'm not a US citizen.</p> <p>11 Q What is your immigration status?</p> <p>12 A I have a green card.</p> <p>13 Q Do you plan to become a citizen?</p> <p>14 A Because of, like, my busy schedule, I haven't applied</p> <p>15 for the -- to take citizenship test, but -- I wanted</p> <p>16 it, but because of being at work and do home work plus</p> <p>17 job, I haven't found time to do it, but I want it,</p> <p>18 yeah.</p> <p>19 Q Do you have family members who are living in this</p> <p>20 country?</p> <p>21 A I have brothers and sisters and my parent who live here</p> <p>22 in the United States but not in Sioux Falls.</p> <p>23 Q Where do your parents live?</p> <p>24 A My brothers and my parent live in Arizona.</p> <p>25 Q Which city in Arizona?</p>	<p style="text-align: right;">Page 16</p> <p>1 head of them. I don't know what you -- how the</p> <p>2 translate is.</p> <p>3 BY MS. CALEM:</p> <p>4 Q So are you talking about a plant manager?</p> <p>5 A What I mean is when you -- when you see something wrong</p> <p>6 that your supervisor doing to you and you take that</p> <p>7 complaint to the office, so the office do not do</p> <p>8 anything -- doesn't do anything.</p> <p>9 Q Are you talking about the human resources office?</p> <p>10 A Yes.</p> <p>11 Q So you're saying there have been occasions when a</p> <p>12 supervisor has done something wrong and you've told</p> <p>13 human resources but human resources hasn't done</p> <p>14 anything about it?</p> <p>15 A Yes.</p> <p>16 Q And you've spoken to your mother about these incidents?</p> <p>17 A I don't talk -- I don't speak to her everything, every</p> <p>18 little incident that is happening at work, but</p> <p>19 sometimes when it comes -- when it pop up in our</p> <p>20 conversation, I will sometimes say it, but not</p> <p>21 everything.</p> <p>22 Q Do you speak to any of your other family members about</p> <p>23 your situation at work?</p> <p>24 A No.</p> <p>25 Q Are you related in any way to Ms. Naambwe?</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 17</p> <p>1 A No.</p> <p>2 Q When did you first meet Ms. Naambwe?</p> <p>3 A We just met at work.</p> <p>4 Q You started work at Smithfield before she did, correct?</p> <p>5 A Yes.</p> <p>6 Q So you met her in 2013 when she came to work at</p> <p>7 Smithfield?</p> <p>8 A (In English) Yes.</p> <p>9 THE VIDEOGRAPHER: Could I get you to repeat the</p> <p>10 question, please. The sirens blew out the audio.</p> <p>11 BY MS. CALEM:</p> <p>12 Q So you met her in 2013 when she came to work at</p> <p>13 Smithfield?</p> <p>14 A Yes.</p> <p>15 Q Do you and Ms. Naambwe spend time together outside</p> <p>16 work?</p> <p>17 A We just talk at the workplace, but when the job --</p> <p>18 outside of work we don't -- she just go her own way and</p> <p>19 I take my own way.</p> <p>20 Q So you don't get together, for instance, on weekends?</p> <p>21 A No, we don't.</p> <p>22 Q And your families don't do anything together?</p> <p>23 A No.</p> <p>24 Q Do you have any friends from work who you see outside</p> <p>25 of work?</p>	<p style="text-align: right;">Page 19</p> <p>1 Q Baptist church?</p> <p>2 A Yes.</p> <p>3 Q In Sioux Falls?</p> <p>4 A Yes.</p> <p>5 Q Have you spoken to anyone from the church about the</p> <p>6 lawsuit?</p> <p>7 A No.</p> <p>8 Q Have you spoken to anyone from church about any of the</p> <p>9 things that have happened to you at Smithfield?</p> <p>10 A No.</p> <p>11 Q Do you and your family take vacations?</p> <p>12 A Yes, we do take vacations.</p> <p>13 Q Yes. When was the last time you took a vacation?</p> <p>14 A Last year.</p> <p>15 Q Did you go away?</p> <p>16 A Yeah, we went to visit our parent in Arizona.</p> <p>17 Q You mentioned earlier that you had a job as a</p> <p>18 dishwasher in an old person's home in Arizona. Did you</p> <p>19 have any other employment in Arizona?</p> <p>20 A No, I didn't have any other job.</p> <p>21 Q And how long did you work at that location in Arizona?</p> <p>22 A Like one year.</p> <p>23 Q Before you came to the United States, did you have a</p> <p>24 job?</p> <p>25 A No, just school.</p>
<p style="text-align: right;">Page 18</p> <p>1 A I don't have friends -- or I don't have anybody that I</p> <p>2 talk to when I'm off work.</p> <p>3 Q When you say you don't have friends, do you mean you</p> <p>4 don't have friends from Smithfield?</p> <p>5 A Because of sort of busy schedule, I don't have a lot of</p> <p>6 people who are considered to be a friend, talk to or</p> <p>7 some -- like...</p> <p>8 Q Is there anyone from Smithfield who you've spoken to</p> <p>9 about the lawsuit?</p> <p>10 A No, I don't have any.</p> <p>11 Q Can you tell me a little bit about your schedule</p> <p>12 outside of work. What do you do when you're not at</p> <p>13 work?</p> <p>14 A When I'm not at work, I do housework, and then because</p> <p>15 of having a day off, I just sleep.</p> <p>16 Q Do you go to church?</p> <p>17 A (In English) Yeah, Sunday. (Through interpreter)</p> <p>18 Yes, Sundays.</p> <p>19 Q Every Sunday?</p> <p>20 A Yes, every Sunday.</p> <p>21 Q What church do you attend?</p> <p>22 A (In English) Baptist church. (Through interpreter)</p> <p>23 Baptist church.</p> <p>24 Q The what?</p> <p>25 A (In English) Baptist.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q And I know you said you came to South Dakota when you</p> <p>2 got married. What was the reason that you came to</p> <p>3 South Dakota?</p> <p>4 A Because my husband, then fiance, lived here, so he -- I</p> <p>5 came because of him.</p> <p>6 Q Did you meet your husband in Arizona?</p> <p>7 A Yes.</p> <p>8 Q And how did you come to work at Smithfield?</p> <p>9 THE INTERPRETER: She had an agent at the Lutheran</p> <p>10 Social Service. Those agent help people to find</p> <p>11 employment. So at that time John Morrell -- was</p> <p>12 John Morrell, I believe -- they weren't hiring, so</p> <p>13 he -- she talk to her agent, and they tell her -- she</p> <p>14 suggest her to go to work at Smithfield in Minnesota,</p> <p>15 and then she refuse not to go to Minnesota because it's</p> <p>16 kind of far away from here, so -- and then her agent</p> <p>17 told her to wait until the Smithfield is hiring, so</p> <p>18 then, like, apply for the job.</p> <p>19 MS. CALEM: Just so I'm clear, the agent told</p> <p>20 her -- suggested that she work in Minnesota?</p> <p>21 THE INTERPRETER (before translating): At the time</p> <p>22 the Smithfield in Minnesota was hiring but Smithfield</p> <p>23 wasn't.</p> <p>24 MS. CALEM: The Smithfield in Minnesota was</p> <p>25 hiring?</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 21</p> <p>1 THE INTERPRETER (before translating): Yeah, but 2 this company here was not hiring. 3 MS. CALEM: But in Sioux Falls they were not 4 hiring. 5 THE INTERPRETER (before translating): They were 6 not hiring, so her agent suggest her to go to Minnesota 7 instead of here, but she refuse not to go to work in 8 Minnesota because of the distance that is between here 9 and there. 10 MS. CALEM: Right. 11 THE INTERPRETER (before translating): So -- and 12 then she told her to wait until Smithfield started 13 hiring employees. 14 So then I apply. 15 BY MS. CALEM: 16 Q Before you applied here at Smithfield, did you know 17 anybody who worked there? 18 A Yeah, because my husband was working there. 19 Q Is he still working there? 20 A Yes, he does. 21 Q What position does he work in? 22 A 5th floor, night shift, pork cut. 5th floor, night 23 shift, pork cut. 24 Q Who is his supervisor, if you know? 25 A I don't know. I only know his grade. He's a --</p>	<p style="text-align: right;">Page 23</p> <p>1 Q What was your first position at Smithfield? 2 A If you say position, are you asking department or the 3 grade or -- is that what you -- 4 Q The department and the specific job you had. 5 A I started with dishwashing and clipping. 6 (In English) Smoked meat wash. 7 THE INTERPRETER: Smoked meat -- 8 MS. CALEM: Smoked meat wash? 9 THE INTERPRETER: -- wash, yeah. 10 THE WITNESS: (In English) Yeah. 11 BY MS. CALEM: 12 Q That was the first department you were assigned to? 13 A (No English response after translation of question) 14 Q You're saying there was a dishwashing job that you did 15 there? 16 A (In English) Oh, I'm sorry. (Speaking Swahili) 17 Q Dishwashing was in Arizona? 18 A (In English) Yeah. So that smoked meat wash, I was 19 clipping. 20 THE INTERPRETER: She -- in the smoked meat wash 21 she was clipping. 22 I don't know what she say. 23 BY MS. CALEM: 24 Q Okay. Clipping. And when you say you were clipping, 25 were you clipping hams to something?</p>
<p style="text-align: right;">Page 22</p> <p>1 5th grade is the grade he's working at, but I don't 2 know his supervisor. 3 Q So when you first applied to Smithfield in Sioux Falls, 4 your husband was already working there? 5 A Yes, he was working there. He started working there 6 back in 2009. 7 Q Did you interview for the job at Smithfield? 8 A Yes, I was interviewed. 9 Q Who were you interviewed by? 10 A Helen. 11 Q Was Helen in human resources? 12 A I don't know who she is, but she -- I think she's the 13 one who does interviews. 14 Q Were you interviewed at the plant? 15 A No. It was a DSS area. 16 Q At DSS? 17 THE INTERPRETER (before translating): Yes. 18 BY MS. CALEM: 19 Q What is DSS? 20 A DSS is like an employment agent down there. So he -- 21 her office is right there. So that's where I went and 22 meet her and do interview. 23 Q Did you interview with anybody from Smithfield human 24 resources before you got the job? 25 A No.</p>	<p style="text-align: right;">Page 24</p> <p>1 A Yes, clipping ham. 2 Q And what are you clipping the ham onto? 3 A With a machine. 4 Q Can you describe what you actually do when you're 5 clipping? 6 THE INTERPRETER: She said there would be one 7 person standing here and that she would be standing 8 here. So this person on the other side -- 9 THE WITNESS: (Speaking Swahili) 10 THE INTERPRETER: -- would put -- 11 (Speaking Swahili) 12 THE WITNESS: (In English) Yeah, socks. 13 THE INTERPRETER: They would put it in socks? 14 I don't know what -- 15 BY MS. CALEM: 16 Q Socks, just like a net? 17 A (In English) Net, yeah. 18 THE INTERPRETER: They would put it in a net, and 19 they will send to the next person. The next person 20 will put in machine and machine will -- clip? 21 THE WITNESS: (Speaking Swahili) 22 THE INTERPRETER: She said the person on the other 23 side would put in the net, the net, so -- and then she 24 will -- it's pass to her, and then she will get the 25 meat and put in a machine, and then after she put in a</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 25</p> <p>1 machine, then they would just toss on the table.</p> <p>2 BY MS. CALEM:</p> <p>3 Q And the machine clips the net closed; is that right?</p> <p>4 THE INTERPRETER: Yeah, she is the one who close</p> <p>5 it with a clip in and then she would toss on the table.</p> <p>6 BY MS. CALEM:</p> <p>7 Q All right. I think I understand. And what department</p> <p>8 is smoked meat wash? Do you know the department</p> <p>9 number?</p> <p>10 A 19.</p> <p>11 Q What shift did you work on when you first arrived at</p> <p>12 Smithfield?</p> <p>13 A It was the night shift.</p> <p>14 Q How long did you work on the night shift?</p> <p>15 A I don't recall the year or month that I switch, because</p> <p>16 I was -- by that time I was -- after I deliver -- I had</p> <p>17 my first child -- because my husband was working night</p> <p>18 and I was working night, so we figured it was difficult</p> <p>19 for us find a day care, so I decided to switch to</p> <p>20 days, I went to talk to Aaron [sic] about it. So Aaron</p> <p>21 helped me to find a day shift job. But I don't</p> <p>22 remember the year and month -- exact year and month.</p> <p>23 Q And who is Aaron?</p> <p>24 THE WITNESS: (In English) Helen.</p> <p>25 THE INTERPRETER: Helen, not Aaron. Sorry.</p>	<p style="text-align: right;">Page 27</p> <p>1 BY MS. CALEM:</p> <p>2 Q Have you worked full-time at Smithfield the whole time</p> <p>3 you've been there?</p> <p>4 A Not full-time. There was sometime where we work --</p> <p>5 some days where we work, like, two hour, three hour,</p> <p>6 then they tell that the job is done, they would send us</p> <p>7 home.</p> <p>8 Q <u>Are you a member of the union?</u></p> <p>9 A <u>Yes, I am.</u></p> <p>10 Q Are you guaranteed a certain number of hours of work</p> <p>11 per week under the union contract?</p> <p>12 A I cannot say that we had a contract of hours that I</p> <p>13 must do, because I see myself sometime work seven to</p> <p>14 nine hours and some of the others, I work, like, two or</p> <p>15 three hours. So I cannot specifically say that I had a</p> <p>16 contract with the union specify that I would be working</p> <p>17 certain hours.</p> <p>18 Q Have you ever seen the collective bargaining agreement</p> <p>19 that the union has with the company?</p> <p>20 A No.</p> <p>21 Q Do you have any information about the fact that you are</p> <p>22 guaranteed 36 hours a week of work under the union</p> <p>23 contract?</p> <p>24 A Yeah, they told me that, but there was sometime where I</p> <p>25 can't -- I can't reach 36 hours.</p>
<p style="text-align: right;">Page 26</p> <p>1 BY MS. CALEM:</p> <p>2 Q Helen. And this is the woman at DSS?</p> <p>3 A Yes, that's the woman who interview me.</p> <p>4 Q And you found a day shift job at Smithfield?</p> <p>5 A Yes.</p> <p>6 Q Was it in the same department?</p> <p>7 A Yes, same department.</p> <p>8 Q <u>Have you been in department 19 since you started work</u></p> <p>9 <u>at Smithfield?</u></p> <p>10 A <u>Yes.</u></p> <p>11 Q Do you have a specific position that you're assigned to</p> <p>12 all the time?</p> <p>13 A In those years that I work there, I -- in my department</p> <p>14 there was a time where they -- like, they lay off</p> <p>15 people because of -- I don't know.</p> <p>16 THE INTERPRETER: She doesn't know the reason.</p> <p>17 And at that time when that happened, they would</p> <p>18 transfer different employees to different department.</p> <p>19 Like, they would transfer them all over the place.</p> <p>20 Sometimes they would tell me to come in the morning,</p> <p>21 evening, afternoon, or whenever they found some work</p> <p>22 for me to do. So I been all over that -- all over the</p> <p>23 place in that department. I be working all. <u>So I</u></p> <p>24 <u>cannot say that I have specific place that I stay for,</u></p> <p>25 <u>like, it's my own job.</u></p>	<p style="text-align: right;">Page 28</p> <p>1 Q When have you worked less than 36 hours in a week?</p> <p>2 THE INTERPRETER: Yeah, she said she doesn't know</p> <p>3 when, but, yeah, in this season they're in even right</p> <p>4 now they are working less hours, so she cannot specify,</p> <p>5 say this month. It happen, like, a random -- like this</p> <p>6 period they will have more hours and the next period</p> <p>7 will have less hours.</p> <p>8 BY MS. CALEM:</p> <p>9 Q Have you ever spoken to a union representative about</p> <p>10 working less than 36 hours a week?</p> <p>11 A Yes.</p> <p>12 Q And what information did the union representative give</p> <p>13 you about working 36 -- less than 36 hours a week?</p> <p>14 THE INTERPRETER: She said she went to talk to the</p> <p>15 union, but she did not went to talk to union about the</p> <p>16 hours. It was the fact that one of the line -- one of</p> <p>17 the line was -- when they send them home, one of the</p> <p>18 line -- one of the people was still working at</p> <p>19 Smithfield while these people are gone. So she was</p> <p>20 kind of curious about the other line. Their line they</p> <p>21 send home, but the other line still working.</p> <p>22 So she went to talk to union about it, and then</p> <p>23 after talking to union, they changed -- if they would</p> <p>24 send them, they would just send them all, both line</p> <p>25 instead of one line, but it wasn't specific about</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 45</p> <p>1 Q And was this in February of 2016?</p> <p>2 A Yes.</p> <p>3 Q Did you recently, this year, go to human resources to</p> <p>4 talk about a coworker named Rufus?</p> <p>5 THE INTERPRETER: This year, you say?</p> <p>6 MS. CALEM: (Nods head.)</p> <p>7 THE WITNESS: (In English) Rufus.</p> <p>8 THE INTERPRETER: Rufus?</p> <p>9 THE WITNESS: Yes, I did.</p> <p>10 BY MS. CALEM:</p> <p>11 Q And when you made this complaint about Rufus, did</p> <p>12 someone from human resources respond to you?</p> <p>13 A We met. I was with the union member and Scott Reed.</p> <p>14 Q What was your complaint about Rufus?</p> <p>15 A Rufus call me a name, and then when I heard the name he</p> <p>16 call me, I didn't understand at the time, but I tried</p> <p>17 to under -- to get -- know the meaning of the word or</p> <p>18 the name he call me. Then I found out it had a</p> <p>19 different meaning.</p> <p>20 MS. CALEM: Can you mark this next in order,</p> <p>21 please.</p> <p>22 <u>Exhibit 4</u> is marked for identification.)</p> <p>23 BY MS. CALEM:</p> <p>24 Q You've been handed what's been marked as <u>Exhibit 4</u> to</p> <p>25 your deposition.</p>	<p style="text-align: right;">Page 47</p> <p>1 Q But it was Sala Naambwe who told you that it meant that</p> <p>2 you have a sexual disease?</p> <p>3 THE INTERPRETER: Yeah, she is the one who tell</p> <p>4 her the meaning of it, because she got the translation</p> <p>5 from the people who from the same country as the guy</p> <p>6 who call him -- who call her whatever she called.</p> <p>7 BY MS. CALEM:</p> <p>8 Q Well, your narrative says here, Rufus has told me CCP,</p> <p>9 and Sala asked me what he said, and I say he told me</p> <p>10 CCP and I don't know what is that -- what that means.</p> <p>11 Sala explained to me what that means is someone has a</p> <p>12 disease for sexual.</p> <p>13 Is that what happened?</p> <p>14 A (In English, without translation of question) Yes.</p> <p>15 Q And then you felt badly about that?</p> <p>16 A (In English, without translation of question) Yes.</p> <p>17 THE INTERPRETER: (Speaking Swahili)</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. CALEM:</p> <p>20 Q And you went to human resources to report it?</p> <p>21 A Ndiyo.</p> <p>22 Q And Rufus was called up to human resources?</p> <p>23 A Yes.</p> <p>24 Q And who did you talk to in human resources to explain</p> <p>25 what had happened?</p>
<p style="text-align: right;">Page 46</p> <p>1 A (In English) Yeah.</p> <p>2 MS. CALEM: And I want to know if this is a form</p> <p>3 that she filled out.</p> <p>4 THE WITNESS: Yes, I fill it out.</p> <p>5 MS. CALEM: And is this her signature at the</p> <p>6 bottom?</p> <p>7 THE WITNESS: Yes, it is my signature.</p> <p>8 BY MS. CALEM:</p> <p>9 Q All right. And in this form did you write the</p> <p>10 narrative, the description that's in here?</p> <p>11 A Yes, I wrote it down.</p> <p>12 Q So in this incident, which occurred just a few months</p> <p>13 ago -- last month, really --</p> <p>14 A Yes, last month.</p> <p>15 Q All right. Rufus called you CCP?</p> <p>16 A (In English, without translation of question) Yes, he</p> <p>17 call me that.</p> <p>18 Q All right. And you didn't know what that was, right?</p> <p>19 A I didn't know the meaning of it. Then I ask a person.</p> <p>20 Q And then Sala Naambwe told you it means that you have a</p> <p>21 sexual disease?</p> <p>22 A I didn't know the meaning at the first, in the</p> <p>23 beginning, and after I heard the meaning of it, I felt</p> <p>24 bad of myself and I wonder why he would call me such a</p> <p>25 name. So then I went to report what happened.</p>	<p style="text-align: right;">Page 48</p> <p>1 A I talk to Scott Reed.</p> <p>2 Q Did you talk to Scott Reed alone?</p> <p>3 THE INTERPRETER: It was her in the office and the</p> <p>4 guy who call --</p> <p>5 BY MS. CALEM:</p> <p>6 Q Rick Stokke?</p> <p>7 THE INTERPRETER: Yeah, the union got her and --</p> <p>8 BY MS. CALEM:</p> <p>9 Q And Scott?</p> <p>10 A (In English) Rufus and Scott.</p> <p>11 (Through interpreter) Rufus and Scott.</p> <p>12 Q All right.</p> <p>13 A They were in the --</p> <p>14 Q In Scott's office?</p> <p>15 THE INTERPRETER (before translating): Yeah,</p> <p>16 Scott's office, explaining to him what had happened or</p> <p>17 what took place.</p> <p>18 BY MS. CALEM:</p> <p>19 Q And is it true that Rufus said that what he called you</p> <p>20 meant that you were a gossip?</p> <p>21 A That's what he said, but it could be he was trying to</p> <p>22 defend, try to make it look not that harsh word, so</p> <p>23 I --</p> <p>24 Q But you don't know what the word means, do you?</p> <p>25 THE INTERPRETER (before translating): I don't</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 49</p> <p>1 know --</p> <p>2 (Speaking Swahili)</p> <p>3 THE WITNESS: Personally, I don't know what the</p> <p>4 name -- what that mean.</p> <p>5 BY MS. CALEM:</p> <p>6 Q All right. And did Rufus apologize if he offended you?</p> <p>7 A He didn't apologize.</p> <p>8 Q He didn't -- when he was with Mr. Reed and you, he did</p> <p>9 not say he was sorry if he offended you?</p> <p>10 A No, I never heard him say any apology or anything while</p> <p>11 we were in the office.</p> <p>12 Q While you were in the office, did Rufus say that you</p> <p>13 had called him lazy?</p> <p>14 A I didn't -- I didn't tell her -- him that.</p> <p>15 That's what he told -- he told him. He told -- he</p> <p>16 told him. But I never say that to him.</p> <p>17 So, I didn't know -- when he said that I told him</p> <p>18 was lazy, I didn't know if it was on this day, because</p> <p>19 on this day we went to Scott's office for this issue</p> <p>20 so -- and then he came up with all that different</p> <p>21 conversation of me call him lazy. So -- I never recall</p> <p>22 of any time or any day that I ever said he was lazy.</p> <p>23 Q Didn't you tell Scott that you called him lazy because</p> <p>24 he wasn't doing the job right?</p> <p>25 THE INTERPRETER: One time he was doing -- he was</p>	<p style="text-align: right;">Page 51</p> <p>1 laughing at him. I was, myself, feeling -- my stomach</p> <p>2 was -- wasn't feeling good.</p> <p>3 BY MS. CALEM:</p> <p>4 Q Upset.</p> <p>5 A -- upset, and I was passing gas, and I told Sala, if</p> <p>6 this gentleman smell this, he's going to feel bad.</p> <p>7 Q Okay.</p> <p>8 A So then Sala laughed and I laughed, and then he thought</p> <p>9 we were talking at him.</p> <p>10 Q He thought you were talking and laughing at him.</p> <p>11 THE INTERPRETER (before translating): And</p> <p>12 laughing at him, yeah.</p> <p>13 BY MS. CALEM:</p> <p>14 Q But you were not laughing at him.</p> <p>15 A (In English, without translation of question) No.</p> <p>16 Q Okay. And you and Sala were talking in Swahili?</p> <p>17 A Yes.</p> <p>18 Q And is that when he made the comment about CCP?</p> <p>19 A Yeah, after that incident, that's when he called me the</p> <p>20 CCP. And then I ask Sala about it and what's the</p> <p>21 meaning, what is CCP, and then because Sala knew the</p> <p>22 abbreviation meaning before, so she gave me the meaning</p> <p>23 of it, and then I get upset and I went to HR, filled</p> <p>24 out a complaint. And then while we were in HR, he</p> <p>25 change the meaning of it, and he said it means</p>
<p style="text-align: right;">Page 50</p> <p>1 changing the net, like, accurately -- inaccurate -- he</p> <p>2 was putting on a net in a different way, and he asked</p> <p>3 him -- she asked him, why are you doing it, you aren't</p> <p>4 supposed to do it, and he -- she told him that she</p> <p>5 doing on purpose. That's what she --</p> <p>6 MS. CALEM: She told him that he was doing it on</p> <p>7 purpose?</p> <p>8 THE INTERPRETER (before translating): On purpose,</p> <p>9 yeah, but she never mentioned the word lazy.</p> <p>10 BY MS. CALEM:</p> <p>11 Q Are you certain that when you were with Mr. Reed you</p> <p>12 did not agree that you called him lazy on one occasion?</p> <p>13 A Maybe I said it, but I don't remember. I don't recall.</p> <p>14 Q Do you remember Rufus saying on that day that he</p> <p>15 thought you and Sala were laughing at him?</p> <p>16 A How it happened was at that time at that day I had a</p> <p>17 bad stomach, I was passing gas, and then at one time of</p> <p>18 passing gas and it was smelly -- smelly, and then I</p> <p>19 told Sala, if this gentleman hear his name, maybe</p> <p>20 she -- he will feel bad. And then Sala laughed about</p> <p>21 it -- about it then --</p> <p>22 THE INTERPRETER: -- what she just said.</p> <p>23 THE WITNESS: (Through interpreter) So Rufus</p> <p>24 thought we were laughing at him, and then that's how he</p> <p>25 came up and told me this word. But we were not</p>	<p style="text-align: right;">Page 52</p> <p>1 something different than what it mean. So I didn't</p> <p>2 know why he --</p> <p>3 Q Well, if you don't know the meaning of the word, how do</p> <p>4 you know he changed it?</p> <p>5 A He said -- whatever he said, whatever he meant the</p> <p>6 meaning of the word, I didn't -- I don't know -- I</p> <p>7 didn't know the exact meaning of the word, but whatever</p> <p>8 was told got me upset and that made me go to the office</p> <p>9 because Sala told me the definition of the meaning,</p> <p>10 because Sala before was told what's the meaning of the</p> <p>11 word.</p> <p>12 Q Right.</p> <p>13 A So Sala knows what's the meaning.</p> <p>14 Q Sala knew the meaning.</p> <p>15 THE INTERPRETER (before translating): Yeah.</p> <p>16 BY MS. CALEM:</p> <p>17 Q All right. And then when he got to human resources, he</p> <p>18 said it was another meaning; is that right?</p> <p>19 A Yeah, he changed and say it means gossip.</p> <p>20 Q He said it means gossip.</p> <p>21 THE INTERPRETER (before translating): Yeah.</p> <p>22 BY MS. CALEM:</p> <p>23 Q All right. And how long did you and Rufus speak to</p> <p>24 Mr. Reed?</p> <p>25 A It wasn't that long -- that long time, but --</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 57</p> <p>1 A The union help me -- guide me.</p> <p>2 Q Who in the union helped you?</p> <p>3 A The union worker in the office, they the ones --</p> <p>4 Q Was it -- who was -- do you know the name of the worker</p> <p>5 in the office?</p> <p>6 A Yes.</p> <p>7 Q Who is it?</p> <p>8 A (In English, without translation of question) BJ.</p> <p>9 Q BJ Motley?</p> <p>10 A (In English, without translation of question) Yes.</p> <p>11 Q And how did he help you?</p> <p>12 A He helped me to -- you know, to fill out the form</p> <p>13 because he understood my complaint.</p> <p>14 Q And was he on the phone with you when you spoke to the</p> <p>15 EEOC?</p> <p>16 A No, he wasn't.</p> <p>17 Q Tell me the process that you went through in talking to</p> <p>18 the EEOC.</p> <p>19 A After I found out the phone, I call them. Then I tell</p> <p>20 them the situation, what I'm going through at the</p> <p>21 workplace, and then they send me this paper, to fill it</p> <p>22 out.</p> <p>23 Q And then what happened?</p> <p>24 A And they started the whole process -- processing the</p> <p>25 whole thing.</p>	<p style="text-align: right;">Page 59</p> <p>1 Q And then you spoke to somebody and told them what was</p> <p>2 happening?</p> <p>3 A (In English, without translation of question) Yes.</p> <p>4 Q And then they sent you some paperwork to fill out?</p> <p>5 A Yes.</p> <p>6 Q And then you filled out the paperwork and sent it back?</p> <p>7 A Yes.</p> <p>8 Q And, after that, did anybody from the EEOC call you</p> <p>9 again?</p> <p>10 A No.</p> <p>11 Q And, after that, did the EEOC send you Exhibit 6 for</p> <p>12 you to sign?</p> <p>13 A At that time, before we file for CEE -- EOC [sic] I had</p> <p>14 a lawyer. So the lawyer was in contact with them,</p> <p>15 so -- but the lawyer was give me -- was giving me</p> <p>16 heads-up what's going on and what I expected to receive</p> <p>17 and to sign. So I cannot say in between what happened,</p> <p>18 what I am being told and what being said, between those</p> <p>19 two.</p> <p>20 Q I understand. When was the first time that you got a</p> <p>21 lawyer? The month, if you remember.</p> <p>22 A I don't remember the month, but it was in 2016. That's</p> <p>23 when I get a lawyer.</p> <p>24 Q Do you think it was within 30 days of when this</p> <p>25 incident happened with Scott?</p>
<p style="text-align: right;">Page 58</p> <p>1 Q And after you filled out the paper, did someone call</p> <p>2 you to talk about that?</p> <p>3 A Yeah, the people from EEOC call me and they told me to</p> <p>4 find a lawyer to fight for my case.</p> <p>5 Q When you signed this on February 23, 2016, did you have</p> <p>6 a lawyer at that point?</p> <p>7 A Yeah, I had a lawyer.</p> <p>8 Q The same lawyer you have now?</p> <p>9 A I had a different lawyer, and he said he didn't have</p> <p>10 license to do maybe his work here in this state, so he</p> <p>11 help me to find her and then connect me to her so --</p> <p>12 yeah, so -- and I give all my information, everything,</p> <p>13 so he can --</p> <p>14 Q All right. But going back to the EEOC process, I just</p> <p>15 want to understand what the steps were that you went</p> <p>16 through. So my understanding is first you made a call,</p> <p>17 right? That was the first way you got in touch, right?</p> <p>18 A In the beginning, I talk to union, and the union give</p> <p>19 me permission to contact these people, because they</p> <p>20 sees -- they saw what happened, what's going on. So</p> <p>21 they the ones who inform me and then give me the</p> <p>22 information of these people. Then I give a call.</p> <p>23 Q That's all I'm asking is, once you got the information,</p> <p>24 then you called the EEOC, right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 THE INTERPRETER: She say, because she didn't have</p> <p>2 a lawyer so it took her a while, more than 30 days to</p> <p>3 find a lawyer.</p> <p>4 BY MS. CALEM:</p> <p>5 Q All right. Well, let's go back to the incident with</p> <p>6 Scott. What day of the week did this incident occur?</p> <p>7 A It was in February 2016.</p> <p>8 Q Do you remember if it was a Friday? Saturday?</p> <p>9 A It was Friday.</p> <p>10 Q What time of day was it?</p> <p>11 A I don't remember exactly -- after the break. The break</p> <p>12 was done. I don't remember if it was a lunch break or</p> <p>13 breakfast break.</p> <p>14 Q Well, you were working on the line when this happened,</p> <p>15 right?</p> <p>16 A Yes, we're on the line.</p> <p>17 Q And are you on the first shift when this happened?</p> <p>18 A (In English) Yeah, day shift.</p> <p>19 Q Day shift? What time does day shift start?</p> <p>20 A (In English) 7:00 o'clock. (Through interpreter)</p> <p>21 7:00 a.m.</p> <p>22 Q And what time does it usually end?</p> <p>23 A It depend on the hours. If you work 9 hours, it end at</p> <p>24 4:30, and if you work 10 hours, it end at 5:30.</p> <p>25 Q Okay. Let me just go back to Exhibit 6 for one minute.</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 65</p> <p>1 A (In English, without translation of question) Yeah, 2 two people. 3 Q Two people open up the nets? 4 A (In English, without translation of question) Uh-huh. 5 Q The ham goes into the net? 6 A (In English, without translation of question) Yes. 7 Q And then it gets clipped, right? 8 A (In English, without translation of question) Yes. 9 Q Okay. So everybody is working as a team on this, 10 right? 11 A (In English, without translation of question) Yeah. 12 Q Okay. And on that day you were working on this, you 13 don't remember what time of day it was? 14 A I don't remember exact the time, but it was after we 15 get off break. 16 Q After break? 17 THE INTERPRETER (before translating): Yeah, so 18 she doesn't remember if it was breakfast or lunch 19 break, she doesn't, but it was after break. 20 BY MS. CALEM: 21 Q It was after a break. 22 THE INTERPRETER: Yeah. 23 BY MS. CALEM: 24 Q Okay. Tell me what happened. 25 A We were working. Me, I was clipping, and then Scott</p>	<p style="text-align: right;">Page 67</p> <p>1 BY MS. CALEM: 2 Q So you, Yvette, were opening the socks? 3 A Yeah, it was me and Sala, we were opening. 4 Q Sala was also opening the socks? 5 A Yes. 6 Q And then Scott kept cursing and saying, "Open the 7 fucking socks like this." 8 A (In English, without translation of question) Like 9 this, yes. 10 Q And what did he mean, "like this"? 11 A (In English) I don't know. 12 (Speaking Swahili) 13 (Through interpreter) I didn't know what he meant 14 because we were doing the job as usual, as how we 15 usually do it. 16 Q Was -- did he say anything like he thought you were 17 going too slowly? 18 A No, we weren't working slow, so -- because we were 19 doing the job as we normally would do. 20 Q Well, before the first time he said it, did he get into 21 an argument with anybody? 22 A No. 23 Q So all of a sudden he just said -- 24 A (In English, without translation of question) Just -- 25 Q -- open --</p>
<p style="text-align: right;">Page 66</p> <p>1 was doing some -- net thing, and then he started 2 telling Sala -- 3 THE INTERPRETER: Like how she said it, open -- 4 BY MS. CALEM: 5 Q "Open the fucking socks like this"? 6 THE INTERPRETER (before translating): -- "like 7 this," yeah. 8 THE WITNESS: At that time we were working fine. 9 As a team, we were just fine, and then he started 10 cursing -- 11 THE INTERPRETER: Like that, how she -- she said. 12 BY MS. CALEM: 13 Q He started cursing, he said, "Bitch, open the fucking 14 socks like this"? 15 THE INTERPRETER (before translating): Yeah. 16 THE WITNESS: (In English) Yeah. 17 (Speaking Swahili) 18 (Through interpreter) And then after a while we 19 switch with the other lady. I went to open the sock -- 20 I mean, the net area. 21 (Speaking Swahili) 22 THE INTERPRETER: And then he continued cursing 23 like that, telling them, two of them -- because the 24 other lady was on clipping area and her -- she wasn't 25 opening net --</p>	<p style="text-align: right;">Page 68</p> <p>1 A (In English, without translation of question) Yeah. 2 Q -- the fucking socks -- 3 A (In English, without translation of question) Sock 4 like this. If you [inaudible] don't want to work good 5 job, just go back to where you coming from. Something 6 like that. 7 Q So then he also said, if you guys don't want to -- 8 A (In English, without translation of question) Or 9 just -- 10 Q -- do a good job -- 11 A (In English, without translation of question) Yeah. 12 Go back and work for -- to your country. 13 (Reporter interrupts.) 14 MS. POCHOP: Only one person can talk at a time. 15 MS. CALEM: Yeah. 16 BY MS. CALEM: 17 Q I'm just going to clarify. I'm going to repeat what 18 you said, and then you tell me if I'm right or if I'm 19 wrong. 20 So then he said, "If you don't want to do a good 21 job, go back to your country"? 22 A (In English, without translation of question) Where 23 you coming from. 24 Q Where you came from? 25 A (In English, without translation of question) Africa.</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 69</p> <p>1 Q Africa?</p> <p>2 A (In English, without translation of question) Yeah.</p> <p>3 Q And this came out of nowhere? There was nothing going</p> <p>4 wrong before he said this; is that right?</p> <p>5 A (In English) No. (Through interpreter) Nothing.</p> <p>6 No one -- no one -- he didn't get argument with</p> <p>7 anybody, so it just came from out of nowhere.</p> <p>8 Q And there was no delay on the line or any problem when</p> <p>9 he said that?</p> <p>10 A (In English) No. (Through interpreter) No, there</p> <p>11 wasn't any delay or anything.</p> <p>12 Q All right. So he said this, it sounds like, what,</p> <p>13 three or four times?</p> <p>14 A What happened was at that time -- he said it once, and</p> <p>15 then I talk to Sala, say what's going on here, what</p> <p>16 happened to this guy, we need to pray, pray about this.</p> <p>17 And after he hear us speaking in our own</p> <p>18 language --</p> <p>19 THE INTERPRETER: He cursed them, like how she</p> <p>20 said it.</p> <p>21 MS. CALEM: You have to say it.</p> <p>22 THE WITNESS: (In English, without translation)</p> <p>23 He said, "Shut the fuck up your language. Just speak</p> <p>24 English."</p> <p>25</p>	<p style="text-align: right;">Page 71</p> <p>1 one meat fell off --</p> <p>2 (Reporter interrupts.)</p> <p>3 MS. CALEM: We have to stop. Okay?</p> <p>4 I understand what she's saying, so let --</p> <p>5 BY MS. CALEM:</p> <p>6 Q I'll tell you what, why don't you say it one sentence</p> <p>7 at a time, and then I'm going to repeat it. Okay?</p> <p>8 Because I understand what you're saying, but we'll do</p> <p>9 it slowly for the court reporter.</p> <p>10 A (In English, without translation of question) Oh.</p> <p>11 Q Okay?</p> <p>12 A (In English, without translation of question) Okay.</p> <p>13 I'm sorry.</p> <p>14 Q Because it's very hard for her to take things down</p> <p>15 quickly like this.</p> <p>16 A (In English, without translation of question) Oh, yes.</p> <p>17 Q Okay? So, after that, Becky and Scott switched; is</p> <p>18 that right?</p> <p>19 A (In English, without translation of question) Yes.</p> <p>20 Q And how did that happen? Did Scott say, Becky, switch</p> <p>21 with me? Or how did it happen?</p> <p>22 A (In English, without translation of question) I think</p> <p>23 they -- yeah. I don't remember if they just talk to</p> <p>24 each other about switching. I see him go on top, Becky</p> <p>25 comes down.</p>
<p style="text-align: right;">Page 70</p> <p>1 BY MS. CALEM:</p> <p>2 Q He said, "Shut the fuck up in your language --"</p> <p>3 A (In English, without translation of question) Yes.</p> <p>4 Q -- "just speak English."</p> <p>5 A (In English, without translation of question) Then</p> <p>6 Sala told her [sic], "This is a free country. We</p> <p>7 can -- we can speak whatever we want." That's what</p> <p>8 Sala reply him.</p> <p>9 Q Okay. So Sala replied to him, "This is a free country.</p> <p>10 We can speak however we want."</p> <p>11 A (In English, without translation of question) Yes.</p> <p>12 Q All right. And then what did he say?</p> <p>13 A (In English, without translation of question) He don't</p> <p>14 say nothing. (Through interpreter) He didn't say</p> <p>15 anything. (In English) After that, they switch with</p> <p>16 Becky.</p> <p>17 Q After that, who switched --</p> <p>18 A (In English, without translation of question) Then he</p> <p>19 go on top.</p> <p>20 Q He went on top?</p> <p>21 A (In English, without translation of question) Yes.</p> <p>22 Becky come, put the net on the horn.</p> <p>23 Q All right.</p> <p>24 A (In English, without translation of question) So then</p> <p>25 he start pushing without watch, like (indicating), so</p>	<p style="text-align: right;">Page 72</p> <p>1 Q Okay. So you don't remember --</p> <p>2 A (In English, without translation of question) Because</p> <p>3 that time we were in -- like, in trouble, you know.</p> <p>4 (Speaking broken English)</p> <p>5 (Reporter interrupts.)</p> <p>6 Q Okay. You have to stop. You have to stop.</p> <p>7 So, after that, they switched. You don't remember</p> <p>8 how they switched, but she came down --</p> <p>9 A (In English, without translation of question) Uh-huh.</p> <p>10 Q -- and he went up on top?</p> <p>11 A (In English, without translation of question) Yes.</p> <p>12 Q And you said you thought you were in trouble? Is that</p> <p>13 what you were saying?</p> <p>14 A I say it was like -- I was scared.</p> <p>15 Q You were scared.</p> <p>16 A That's what I mean. Maybe I am in trouble or what's</p> <p>17 going on? Because (speaking broken English), I was</p> <p>18 scared.</p> <p>19 Q All right. You were scared, you thought maybe you were</p> <p>20 in trouble, why is he doing this, you don't know what's</p> <p>21 going on --</p> <p>22 A (In English, without translation of question) Yes.</p> <p>23 Q -- is that right?</p> <p>24 A (In English, without translation of question) Yeah.</p> <p>25 Q Okay. Then Scott is up on top --</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 73</p> <p>1 A Uh-huh.</p> <p>2 Q --and you said he started pushing the hams through</p> <p>3 very quickly?</p> <p>4 A He didn't watch.</p> <p>5 Q He didn't watch.</p> <p>6 Why don't you tell him in Swahili. Okay?</p> <p>7 A (In English, without translation of question) Oh.</p> <p>8 (Speaking Swahili)</p> <p>9 THE INTERPRETER: Okay. Because he -- like she</p> <p>10 said before, how they do the job, they had to -- the</p> <p>11 person who is up will have to watch the person who is</p> <p>12 putting the net, so then -- so the next meat may not --</p> <p>13 while the next meat is coming, so the person who is</p> <p>14 putting the net have push -- push away, whatever she</p> <p>15 was doing.</p> <p>16 But this guy -- when Scott was upstairs, he was</p> <p>17 just pushing, pushing, and then one of the meat -- he</p> <p>18 pushed down one of the meat and then he -- the -- who?</p> <p>19 (Discussion between the interpreter and the</p> <p>20 witness.)</p> <p>21 THE INTERPRETER: Lorena? It hit her on the hip,</p> <p>22 one of the meat.</p> <p>23 BY MS. CALEM:</p> <p>24 Q So one of the pieces of ham hit Lorena on the hip?</p> <p>25 THE INTERPRETER (before translating): On the hip.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q All right. Do you remember Lorena's tone of voice?</p> <p>2 Was she angry? Was she yelling?</p> <p>3 A Yeah, have -- the tone of voice was anger voice because</p> <p>4 what Scott was doing.</p> <p>5 Q All right. And then what happened?</p> <p>6 A (Speaking Swahili)</p> <p>7 Q Okay. Let me just stop. What I want to know is -- I</p> <p>8 know that afterwards you spoke to the union, but on</p> <p>9 that day, that incident, I want to know, after Lorena</p> <p>10 spoke to Scott, on that day did anything else happen?</p> <p>11 A After -- after -- he didn't respond anything. Scott</p> <p>12 did not respond anything to Lorae --</p> <p>13 THE INTERPRETER: Lorae? Lorae?</p> <p>14 MS. CALEM: Lorena.</p> <p>15 THE INTERPRETER: Lorena.</p> <p>16 THE WITNESS: And after -- after work, he talk --</p> <p>17 Scott talk to --</p> <p>18 THE INTERPRETER: Who?</p> <p>19 THE WITNESS: (In English) Eudoxio.</p> <p>20 THE INTERPRETER: Eudoxio.</p> <p>21 MS. CALEM: Eudoxio. Okay.</p> <p>22 THE WITNESS: -- and told Eudoxio that he was</p> <p>23 doing it on purpose because of those two monkey that</p> <p>24 were there.</p> <p>25</p>
<p style="text-align: right;">Page 74</p> <p>1 And then the other one fell down on Sala's feet.</p> <p>2 BY MS. CALEM:</p> <p>3 Q And the other one fell on Sala's feet?</p> <p>4 THE INTERPRETER (before translating): Yeah,</p> <p>5 because he wasn't watching, he was just pushing,</p> <p>6 pushing.</p> <p>7 BY MS. CALEM:</p> <p>8 Q So did he seem angry?</p> <p>9 A Yeah, he was angry. He was just doing it on purpose.</p> <p>10 Q All right. So he was pushing the meat down fast on</p> <p>11 purpose without waiting to see if the net was ready; is</p> <p>12 that correct?</p> <p>13 A Yes, that is correct.</p> <p>14 Q Did Becky say anything to him?</p> <p>15 A No, I didn't hear anything.</p> <p>16 Q All right. So he's pushing this down fast. Did</p> <p>17 anybody say anything when the meat fell and one hit</p> <p>18 Lorena and one fell on Sala's feet?</p> <p>19 A I don't recall the words Lorena said because she spoke</p> <p>20 back in English after the meat hit her on the hip, so</p> <p>21 she conver with -- tried to make conversation with Scott</p> <p>22 in English --</p> <p>23 Q She spoke to Scott.</p> <p>24 A She spoke to Scott in English, but I don't recall</p> <p>25 translated the words spoken at that moment.</p>	<p style="text-align: right;">Page 76</p> <p>1 BY MS. CALEM:</p> <p>2 Q Okay. Were you there when he told Eudoxio this?</p> <p>3 A No, I wasn't, but Eudoxio come tell us what he said.</p> <p>4 Q All right. And do you know where Scott and Eudoxio</p> <p>5 were when Scott said this?</p> <p>6 A I don't know where and when they talked about us, but</p> <p>7 Eudoxio came back and told me what had been spoken.</p> <p>8 Q Where were you when Eudoxio told you about this?</p> <p>9 A It was on a break, that was when Eudoxio told me.</p> <p>10 Q The same day?</p> <p>11 A The same day, yes.</p> <p>12 Q So the second break? The next break?</p> <p>13 A Yeah.</p> <p>14 Q And was anyone else with you when Eudoxio told you</p> <p>15 that?</p> <p>16 A I was with Sala.</p> <p>17 Q So he told both you and Sala at the same time?</p> <p>18 A Yes, at the same time.</p> <p>19 Q Was anyone else there?</p> <p>20 A (In English) No. (Through interpreter) No, no one</p> <p>21 else.</p> <p>22 Q Was this in the break room?</p> <p>23 A We were going back to the line, you know, changing our</p> <p>24 clothes, put on our gear.</p> <p>25 Q So you were going back -- on the way back to the locker</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 81</p> <p>1 MS. CALEM: No problem at all.</p> <p>2 THE VIDEOGRAPHER: We're now going off the record.</p> <p>3 It is 12:59.</p> <p>4 (Lunch recess taken from 12:59 p.m. to 1:54 p.m.)</p> <p>5 THE VIDEOGRAPHER: Okay. We're back on the</p> <p>6 record. It is now, let's see, 1:54.</p> <p>7 BY MS. CALEM:</p> <p>8 Q All right. We just had our lunch break. It's 1:54.</p> <p>9 Ms. Nimenya, I just want to remind you that you</p> <p>10 are still under oath. Do you understand that?</p> <p>11 A Yes.</p> <p>12 Q Where we left off, we were talking about the incident</p> <p>13 that occurred with Scott Genzler in February of 2016,</p> <p>14 and we had finished talking about the actual incident</p> <p>15 itself.</p> <p>16 Was there a supervisor there that day?</p> <p>17 A No, there wasn't any supervisor that time, but it was a</p> <p>18 team leader, and that team leader can't do anything</p> <p>19 about it.</p> <p>20 Q The next day you spoke to a supervisor, correct?</p> <p>21 A Yes.</p> <p>22 Q And was that Russ Hultman?</p> <p>23 A Yes, that's his name.</p> <p>24 Q Did Russ call a meeting in his office to talk about</p> <p>25 what happened?</p>	<p style="text-align: right;">Page 83</p> <p>1 Q And did Russ say that Scott's behavior was wrong?</p> <p>2 THE INTERPRETER: Russ suggest that they should go</p> <p>3 report to the office on Monday.</p> <p>4 BY MS. CALEM:</p> <p>5 Q To the human resources office?</p> <p>6 THE INTERPRETER (before translating): To the</p> <p>7 human resource office.</p> <p>8 BY MS. CALEM:</p> <p>9 Q Did Russ tell Scott to apologize?</p> <p>10 A I don't know.</p> <p>11 Q Do you remember Scott apologizing in that meeting?</p> <p>12 A No.</p> <p>13 Q Do you remember Russ saying that what Scott had done</p> <p>14 was against the company rules?</p> <p>15 A I don't remember any of that conversation.</p> <p>16 Q Do you remember anything that Russ said besides that</p> <p>17 you should go on Monday to human resources?</p> <p>18 A The only thing that I remember him saying that this</p> <p>19 case should -- or this incident should be reported in</p> <p>20 HR office.</p> <p>21 Q Do you remember how long the meeting in Russ's office</p> <p>22 lasted?</p> <p>23 A Like, minutes. It's a minute, but I don't remember how</p> <p>24 long it took, but it wasn't that long conversation.</p> <p>25 Q Do you remember if Scott said anything during that</p>
<p style="text-align: right;">Page 82</p> <p>1 A Yes, he called -- he called me with the union people</p> <p>2 around, inside the office.</p> <p>3 Q And who was in his office? Tell me who was there.</p> <p>4 A I and Sala. Tom Anderson, he's a union guy. And</p> <p>5 Thomas Zuraff, and he's a union guy too. And Scott</p> <p>6 Gonzalez [sic].</p> <p>7 MS. CALEM: Genzler, yeah.</p> <p>8 THE INTERPRETER: Genzler. Sorry.</p> <p>9 THE WITNESS: And David.</p> <p>10 BY MS. CALEM:</p> <p>11 Q David Hillberg?</p> <p>12 A I don't -- I don't recall his last name.</p> <p>13 Q Was Lorena there?</p> <p>14 A Yeah, Lorena was there too.</p> <p>15 Q Was Becky there?</p> <p>16 A No.</p> <p>17 Q And at that meeting the next day, did you and Sala</p> <p>18 explain what had happened?</p> <p>19 A In the office?</p> <p>20 Q When you were in Russ's office with Russ.</p> <p>21 A Yes.</p> <p>22 Q And did you both speak?</p> <p>23 A Yes.</p> <p>24 Q Did Lorena speak?</p> <p>25 A Yes, she spoke.</p>	<p style="text-align: right;">Page 84</p> <p>1 meeting?</p> <p>2 A They ask me if he said it or if he did what he did, and</p> <p>3 he accepted.</p> <p>4 Q He agreed that he did?</p> <p>5 A Yeah, he agreed that he did it.</p> <p>6 Q Do you remember if he said anything else?</p> <p>7 A No, I don't remember anything else.</p> <p>8 Q Now, the next day you went to human resources, right --</p> <p>9 or was it Monday?</p> <p>10 A Yes.</p> <p>11 Q You and Lorena and Sala went together?</p> <p>12 A Yes.</p> <p>13 Q And did one of you ask Lorena to go with you?</p> <p>14 A We all -- we were supposed to go there, so we all went</p> <p>15 together.</p> <p>16 Q Did -- my question was, though, did one of you ask</p> <p>17 Lorena, come, we're going to go now?</p> <p>18 THE INTERPRETER: They told Lorena to go with too.</p> <p>19 MS. CALEM: To go with them.</p> <p>20 THE INTERPRETER: Yeah, with them.</p> <p>21 BY MS. CALEM:</p> <p>22 Q All right. And you went during your break?</p> <p>23 A Yes.</p> <p>24 Q Before you left on the break, did you tell your</p> <p>25 supervisor that you might be back late?</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 85</p> <p>1 A No, I didn't.</p> <p>2 Q Before you went on the break, did you tell your</p> <p>3 supervisor that you were going to go to human resources</p> <p>4 on the break?</p> <p>5 A No, I didn't.</p> <p>6 Q You went to human resources. And did you start filling</p> <p>7 out a form there?</p> <p>8 A Yes.</p> <p>9 Q Did you speak to anybody in human resources when you</p> <p>10 went in there?</p> <p>11 A Carrie receive us, and he [sic] give us a paper, a form</p> <p>12 to fill out of our complaint. The first person who got</p> <p>13 that form was Lorena.</p> <p>14 And then Russ showed up at that moment, and then</p> <p>15 when Russ came, they kicked us out. They say, you guys</p> <p>16 are coming to accuse -- or reporting someone else.</p> <p>17 Instead of you being at work right now, you guys are</p> <p>18 here for reporting incident.</p> <p>19 MS. CALEM: Let's mark this next in order, please.</p> <p>20 THE WITNESS: And he gave -- he gave us warnings.</p> <p>21 MS. CALEM: We're going to get there, yeah.</p> <p>22 Exhibit 7 is marked for identification.)</p> <p>23 BY MS. CALEM:</p> <p>24 Q Ms. Nimenya, this is Exhibit 7 to your deposition. Do</p> <p>25 you recognize this?</p>	<p style="text-align: right;">Page 87</p> <p>1 break?</p> <p>2 A The break had -- we had -- we went on 15 break, because</p> <p>3 the break is 15-minute break. We had two minute left</p> <p>4 for that -- in order that break to -- you know, to end.</p> <p>5 Q So you think Russ came in after 13 minutes?</p> <p>6 THE INTERPRETER: She say she doesn't exactly</p> <p>7 precise the timing. They have -- she said they have</p> <p>8 camera inside that office. They can go review what</p> <p>9 time it was when the incident took place, but what she</p> <p>10 remember is it was during the break time.</p> <p>11 BY MS. CALEM:</p> <p>12 Q Did Russ say that the line had stopped production</p> <p>13 because the three of you were not there?</p> <p>14 THE INTERPRETER: She doesn't remember him saying</p> <p>15 that.</p> <p>16 BY MS. CALEM:</p> <p>17 Q Now, is it true that under -- according to the employee</p> <p>18 handbook, you have to tell your supervisor if you're</p> <p>19 going to come back late from your break?</p> <p>20 A Yes, I do remember being written in that book and --</p> <p>21 because the supervisor know the situation and we were</p> <p>22 waiting for him to give us the update, but he didn't</p> <p>23 say anything, so -- and then we decide us to -- I mean,</p> <p>24 to go pursue whatever [inaudible] on break time.</p> <p>25 Q All right. And when Russ came in, did he speak to</p>
<p style="text-align: right;">Page 86</p> <p>1 A Yes, I do.</p> <p>2 Q Did you fill out the information on this form?</p> <p>3 A Yes, I did.</p> <p>4 Q When you were filling this out, were Sala and Lorena</p> <p>5 also filling out their forms?</p> <p>6 A Yeah, each individual is writing hers.</p> <p>7 Q They were writing their forms?</p> <p>8 THE INTERPRETER (before translating): Yeah.</p> <p>9 BY MS. CALEM:</p> <p>10 Q All right. Did anybody else go with you besides Sala</p> <p>11 and Lorena to human resources?</p> <p>12 A No.</p> <p>13 Q And then Russ came into human resources and was looking</p> <p>14 for you; is that right?</p> <p>15 THE INTERPRETER: Russ came in a different door</p> <p>16 and told where they were, and then he started yelling</p> <p>17 at them, saying, you guys are just leave the line</p> <p>18 instead of being working right now, and you came to</p> <p>19 report -- she is call nonsense sort of incident.</p> <p>20 BY MS. CALEM:</p> <p>21 Q So he was angry, he was yelling that you should be back</p> <p>22 to work?</p> <p>23 A Yeah, he was saying we should be at work, we should go</p> <p>24 back to work, and he gave us warning.</p> <p>25 Q And at that time were you late in coming back from your</p>	<p style="text-align: right;">Page 88</p> <p>1 Carrie?</p> <p>2 A Yeah, they talked themselves separate, and then they came</p> <p>3 to us and, you know, yelling at us, kicking us out.</p> <p>4 Q Did Carrie yell at you?</p> <p>5 A Yes.</p> <p>6 Q What did Carrie say?</p> <p>7 A He [sic] said, get out of my office.</p> <p>8 Q Carrie said, get out of my office? That's your</p> <p>9 testimony.</p> <p>10 A Yes. He [sic] said, you can't come here to report on</p> <p>11 somebody and then leave the line empty, not -- you</p> <p>12 know, leave the line without anybody on it.</p> <p>13 Q So, if the line stops working, that costs the company</p> <p>14 money, right?</p> <p>15 A Yes, I do.</p> <p>16 Q Now, did anybody say to you at that time you could come</p> <p>17 back later to finish your reports?</p> <p>18 A No.</p> <p>19 Q Did you go back later to finish your report?</p> <p>20 A After we get out of the office, since we had a warning,</p> <p>21 you know, upon us, Scott was rejoicing, saying, you</p> <p>22 went down there to report me. Instead of me getting in</p> <p>23 trouble, you just got warnings.</p> <p>24 Q When did you get the warning?</p> <p>25 A It was the same day, the same Monday when we went to</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 89</p> <p>1 file for our complaint for our report.</p> <p>2 Q But that was later, right, after you left human</p> <p>3 resources?</p> <p>4 A No. We got the warning right there in the office.</p> <p>5 Q Right then and there in the office?</p> <p>6 A Oh, I misunderstood. Sorry. They give --</p> <p>7 THE INTERPRETER: They told them they should get</p> <p>8 warning, and then when they came back to the department</p> <p>9 office, that's where they received the warning, but the</p> <p>10 word was spoken downstairs in the HR.</p> <p>11 BY MS. CALEM:</p> <p>12 Q And when you received the warning, was there a union</p> <p>13 representative with you?</p> <p>14 A No, there wasn't any.</p> <p>15 Q Are you certain about that?</p> <p>16 A Yes.</p> <p>17 Q Did Lorena get a warning also?</p> <p>18 A Yes.</p> <p>19 Q And Scott Genzler got a warning also, didn't he?</p> <p>20 A Yes.</p> <p>21 Q And you got a verbal warning, right?</p> <p>22 THE INTERPRETER: The warning -- the warning they</p> <p>23 got was because they left the line while they were</p> <p>24 working. That was the day -- like, that's how they</p> <p>25 were being told, the reason why they got warning was</p>	<p style="text-align: right;">Page 91</p> <p>1 Scott should be fired?</p> <p>2 A How should I tell -- how should I tell them while they</p> <p>3 kick me out of the office?</p> <p>4 Q I'm just asking, did you tell anybody that you thought</p> <p>5 Scott should have been fired?</p> <p>6 A I didn't talk to anybody about Scott being fired</p> <p>7 because they -- they did not want me to be in the</p> <p>8 office. Instead of listen to me or receiving me, they</p> <p>9 just -- they didn't want me there, so they kick me out,</p> <p>10 so I didn't get a chance to talk to anybody about this.</p> <p>11 Q How did you find out that Scott was disciplined?</p> <p>12 MS. POCHOP: I'm going to object to that question</p> <p>13 because it's a misstatement of her earlier testimony</p> <p>14 where she said she didn't know.</p> <p>15 MS. CALEM: Well, I thought she said she</p> <p>16 understood that he had gotten a warning but she didn't</p> <p>17 see it.</p> <p>18 MS. POCHOP: I mean, her testimony speaks for</p> <p>19 itself.</p> <p>20 MS. CALEM: It certainly does.</p> <p>21 MS. POCHOP: You can answer if you --</p> <p>22 BY MS. CALEM:</p> <p>23 Q Well, let's make that clear. Did you understand that</p> <p>24 Scott had been disciplined?</p> <p>25 A Russ told us that he got warning. That's how we know.</p>
<p style="text-align: right;">Page 90</p> <p>1 because they left the line without anybody on it and</p> <p>2 went down to report what happened.</p> <p>3 BY MS. CALEM:</p> <p>4 Q And that was -- do you know what kind of warning?</p> <p>5 There's different categories: Verbal warning, written</p> <p>6 warning.</p> <p>7 A It was a written warning.</p> <p>8 Q Do you know -- did you see the piece of paper that it</p> <p>9 was written on?</p> <p>10 A They give me a warning ticket.</p> <p>11 Q They gave you the paper?</p> <p>12 A Yes.</p> <p>13 Q Do you have that paper?</p> <p>14 A I lost it. I don't have it. If you go to office</p> <p>15 computer or system, you may find it.</p> <p>16 Q And Scott got a written warning because of his conduct,</p> <p>17 right?</p> <p>18 A (Speaking Swahili)</p> <p>19 Q I'm just asking if Scott got a written warning.</p> <p>20 A I heard he got a -- he receive a warning, but I don't</p> <p>21 know what kind of warning he received.</p> <p>22 Q Okay. Do you think Scott should have been fired?</p> <p>23 A Yes, because based on what's written on the handbook,</p> <p>24 he should be fired.</p> <p>25 Q Did you tell anyone at human resources you thought</p>	<p style="text-align: right;">Page 92</p> <p>1 Q Okay. But you did not see the warning that he got?</p> <p>2 A No, we didn't.</p> <p>3 Q Did you tell Russ you thought Scott should have been</p> <p>4 fired?</p> <p>5 A No, we didn't talk anything about it, about any --</p> <p>6 about it.</p> <p>7 Q Okay. If you would take out Exhibit 2, the employee</p> <p>8 handbook. Do you have that?</p> <p>9 A Yes.</p> <p>10 Q Okay. And I'd like you to show me where in here it</p> <p>11 says that Scott needed to be fired.</p> <p>12 THE INTERPRETER: She said this is different than</p> <p>13 the little book they have, this little handbook here.</p> <p>14 BY MS. CALEM:</p> <p>15 Q Okay. Well, what book is that and why are you bringing</p> <p>16 this into a deposition now?</p> <p>17 THE INTERPRETER: She said the book that she knows</p> <p>18 is this book here. It has the rules and regulation of</p> <p>19 John Morrell.</p> <p>20 And she doesn't know where this book came from.</p> <p>21 She never seen a book like this.</p> <p>22 MS. CALEM: Well, earlier she testified that she</p> <p>23 had seen it. So what is the real answer?</p> <p>24 THE INTERPRETER: The handbook they have, it was</p> <p>25 small -- is a small book that look like that one. So</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 97</p> <p>1 have it, because you're the one who provide this book</p> <p>2 to us.</p> <p>3 BY MS. CALEM:</p> <p>4 Q We asked for all documents in your possession that</p> <p>5 relate to this lawsuit. If you had this, you should</p> <p>6 have produced it to us.</p> <p>7 THE INTERPRETER: She said that she took that</p> <p>8 paper out, that page out, because it has something to</p> <p>9 do with our case. That is the reason why she took that</p> <p>10 page out.</p> <p>11 BY MS. CALEM:</p> <p>12 Q What year is this handbook from?</p> <p>13 THE INTERPRETER: Year?</p> <p>14 BY MS. CALEM:</p> <p>15 Q This piece of paper, it came from a book. What year is</p> <p>16 written on that book?</p> <p>17 A At that time, when I first started, it was</p> <p>18 John Morrell. It wasn't Smithfield. Maybe they change</p> <p>19 those books after they switch name from John Morrell to</p> <p>20 Smithfield.</p> <p>21 But when I first started in 2011, it was -- it was</p> <p>22 John Morrell who provide that book to us. Each</p> <p>23 individual who started had to have that book.</p> <p>24 Q And the book is updated every couple of years,</p> <p>25 isn't it?</p>	<p style="text-align: right;">Page 99</p> <p>1 having this paper.</p> <p>2 Q No, you didn't have this paper. Right, I understand.</p> <p>3 So this refers to a meeting, it looks like Russ</p> <p>4 has filled out -- or somebody has filled out this</p> <p>5 paper, and it says there was a meeting at the smoked</p> <p>6 meat wash office 7:00 o'clock in the morning with</p> <p>7 Lorena, Yvette, Sala, Tom Anderson, and Tom Zuraff.</p> <p>8 And if you look on the fourth bullet point, it</p> <p>9 says that you were notified. "Notified ladies that</p> <p>10 verbal reprimand for work rule No. 4 would be removed</p> <p>11 from their files."</p> <p>12 Does that refresh your memory as to whether</p> <p>13 somebody told you the warning was being removed from</p> <p>14 your file?</p> <p>15 A Yes, the -- I don't remember anybody tell me that the</p> <p>16 warning had been removed, but as I see in here, it</p> <p>17 looks -- it look exact how you say.</p> <p>18 Q So you don't have any reason to believe that the</p> <p>19 warning stayed in your file, do you?</p> <p>20 A Yeah, Sala told me this, but -- yeah.</p> <p>21 Q Sala told you what?</p> <p>22 THE INTERPRETER (before translating): About the</p> <p>23 warning being removed.</p> <p>24 MS. CALEM: The warning being removed. Okay.</p> <p>25</p>
<p style="text-align: right;">Page 98</p> <p>1 A I don't know that, if they have been updated.</p> <p>2 Q Okay. Well, isn't it true that the warning you got was</p> <p>3 taken away?</p> <p>4 A There isn't any supervisor who told me that they -- the</p> <p>5 warning was erased, but Sala went to report the whole</p> <p>6 thing, what's going on, to the union office, and then</p> <p>7 union office sent Sala down -- whatever, down to HR.</p> <p>8 THE INTERPRETER: And that's when Sala get the</p> <p>9 word that the warning was -- have been erased from</p> <p>10 them.</p> <p>11 But she never heard anything, like, verbally from</p> <p>12 manager or anybody besides Sala.</p> <p>13 MS. CALEM: Here, can you mark that next in order.</p> <p>14 <u>Exhibit 8</u> is marked for identification.)</p> <p>15 BY MS. CALEM:</p> <p>16 Q Okay. You've been handed what's been marked as</p> <p>17 <u>Exhibit 8</u> to the deposition. And I don't know if</p> <p>18 you've actually ever seen this before, but it says --</p> <p>19 it's an email from Scott Reed to Russ Hultman on the</p> <p>20 top, and it says, "Please send me notes from your</p> <p>21 meeting with the employees last week to close off the</p> <p>22 file. Who was in the meeting, key messages, et cetera.</p> <p>23 It is important to have good notes on this."</p> <p>24 Do you see that?</p> <p>25 A I see what's written here, but I don't remember me</p>	<p style="text-align: right;">Page 100</p> <p>1 BY MS. CALEM:</p> <p>2 Q Now, do you know if Mr. Scott Reed got involved in this</p> <p>3 situation?</p> <p>4 A I don't understand your question.</p> <p>5 Q Well, let's -- let me put it this way: <u>Did you ever</u></p> <p>6 <u>talk directly to Scott Reed about this situation?</u></p> <p>7 <u>A. No, I didn't get a chance to talk to him.</u></p> <p>8 Q Do you know if Sala spoke with Scott Reed about this?</p> <p>9 A Sala told me that she went to union so that -- you</p> <p>10 know, to discuss about this. But she didn't say a lot</p> <p>11 about her meeting with Scott Reed.</p> <p>12 Q Do you have any information about the meetings that</p> <p>13 Scott Reed called after this happened?</p> <p>14 A I don't have any information.</p> <p>15 Q Did you talk to Tom Anderson about the meetings that he</p> <p>16 had with Scott Reed?</p> <p>17 A No.</p> <p>18 Q Did you know that Mr. Reed asked David Hillberg to take</p> <p>19 extra tours of the area and keep an eye on Scott</p> <p>20 Genzler?</p> <p>21 THE INTERPRETER: Dave who? Dave who?</p> <p>22 MS. CALEM: Hmm?</p> <p>23 THE INTERPRETER: Who the Dave, did you say?</p> <p>24 MS. CALEM: Dave Hillberg.</p> <p>25 THE WITNESS: No.</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 101</p> <p>1 BY MS. CALEM:</p> <p>2 Q Do you know that Mr. Reed had Scott Genzler removed</p> <p>3 from a committee that he was on because of this</p> <p>4 incident?</p> <p>5 A I don't know.</p> <p>6 Q Do you know if Scott Reed asked the union</p> <p>7 representatives to follow up and make sure there was no</p> <p>8 repeat of this behavior?</p> <p>9 A I don't know any about it.</p> <p>10 Q Carrie Moate followed up with you later that week,</p> <p>11 didn't she?</p> <p>12 THE INTERPRETER: Carrie who, Moate?</p> <p>13 MS. CALEM: Carrie Moate.</p> <p>14 THE WITNESS: I don't remember that.</p> <p>15 BY MS. CALEM:</p> <p>16 Q You don't remember Carrie coming, speaking to you and</p> <p>17 Sala and Lorena on March 4, 2016?</p> <p>18 A Where were we at that time?</p> <p>19 Q I don't know. I'm just asking if you're aware --</p> <p>20 A She never call me. I don't remember that --</p> <p>21 THE INTERPRETER: Or, she never talk to her.</p> <p>22 She said, after being kicked out of office, they</p> <p>23 never knew anything else and they never had anything --</p> <p>24 they never knew anything about Scott or anything else</p> <p>25 about it.</p>	<p style="text-align: right;">Page 103</p> <p>1 Q Okay. Do you remember a meeting on March 22, 2016 with</p> <p>2 Russ Hultman and Tom Zuraff and Dave Hillberg talking</p> <p>3 to the department?</p> <p>4 THE INTERPRETER: March 22?</p> <p>5 MS. CALEM: Yes.</p> <p>6 THE INTERPRETER: Carrie and David?</p> <p>7 THE WITNESS: (In English) Carrie and David?</p> <p>8 THE INTERPRETER: Carrie and David. Right?</p> <p>9 MS. CALEM: No. No.</p> <p>10 BY MS. CALEM:</p> <p>11 Q Do you remember that Russ and Dave Hillberg and Tom</p> <p>12 Zuraff spoke to your department on March 22, 2016 to</p> <p>13 talk about this incident?</p> <p>14 A If they speak to department, yes, but to me, no.</p> <p>15 MS. CALEM: Okay. Let's mark this next in order.</p> <p>16 <u>Exhibit 10</u> is marked for identification.)</p> <p>17 BY MS. CALEM:</p> <p>18 Q Okay. So <u>Exhibit 10</u> is a memorandum dated March 22,</p> <p>19 2016 about a conversation that took place during a</p> <p>20 safety meeting, and it says that on that day there was</p> <p>21 a discussion at the safety meeting about being</p> <p>22 respectful and not using inappropriate language.</p> <p>23 Do you remember this taking place?</p> <p>24 A I don't remember the meeting.</p> <p>25 Q Do you remember Scott Reed talking to your department</p>
<p style="text-align: right;">Page 102</p> <p>1 MS. CALEM: Okay. Let's mark this next in order.</p> <p>2 This will be <u>Exhibit 9</u>, I guess.</p> <p>3 <u>Exhibit 9</u> is marked for identification.)</p> <p>4 BY MS. CALEM:</p> <p>5 Q So I'm showing you <u>Exhibit 9</u>, and this is an email from</p> <p>6 Carrie to Scott Reed, and it's dated March 4, 2016, and</p> <p>7 it says, "Met with Yvette, Sala, and Lorena today."</p> <p>8 And under Yvette, it says, "No new issues. Scott</p> <p>9 has been respectful since the meeting. Wanted to add</p> <p>10 that Gary Loger is not respectful and will get mad when</p> <p>11 the machine breaks down and swear at you. Many people</p> <p>12 have signed out of the department because of Gary's</p> <p>13 behavior. Gary has not done anything in this last</p> <p>14 week."</p> <p>15 Do you remember saying any of this to Carrie?</p> <p>16 A I don't remember anything about this paper here or this</p> <p>17 email.</p> <p>18 Q You don't remember talking to Carrie and saying any of</p> <p>19 this?</p> <p>20 A After the issue with Scott, I never -- I never even get</p> <p>21 a chance to be called in the office or had a check to</p> <p>22 me of anybody from the office.</p> <p>23 Q So you're saying Carrie made all this up that she spoke</p> <p>24 to you?</p> <p>25 A I don't remember.</p>	<p style="text-align: right;">Page 104</p> <p>1 about harassment and respectful communications?</p> <p>2 A It was in a safety meeting?</p> <p>3 Q It was the safety meeting on October 4, 2016.</p> <p>4 A Yes. (In English) I remember that.</p> <p>5 Q You remember Scott speaking?</p> <p>6 A (In English, without translation of question) Yes.</p> <p>7 Q And did he do a PowerPoint presentation?</p> <p>8 A Yeah, he was speaking about safety issue on the screen.</p> <p>9 He was showing the whole thing about safety, only</p> <p>10 safety. So I don't remember -- and the sexual</p> <p>11 harassment he spoke with his mouth, like, with mouth,</p> <p>12 but not on the screen.</p> <p>13 Q Okay. And do you remember him talking about what kind</p> <p>14 of behavior would be harassment?</p> <p>15 A Yes, he mention some.</p> <p>16 Q And do you remember him talking about respectful</p> <p>17 communications?</p> <p>18 A Yes.</p> <p>19 Q Do you remember him encouraging people to speak up if</p> <p>20 something like this happened?</p> <p>21 A Yes, I do.</p> <p>22 Q Okay. Now, after this incident with Scott Genzler, was</p> <p>23 <u>there any other incident like this that ever happened</u></p> <p>24 <u>again?</u></p> <p>25 A <u>There is something that I seen going on in the company</u></p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 105</p> <p>1 that is according to this book -- I'm not -- I don't 2 know if I'm allowed to speak it -- about it? 3 Q I'm just asking, have you seen anything or experienced 4 anything like what Scott Genzler did since it happened? 5 THE INTERPRETER: She said that it's something 6 that is going on the whole company. 7 THE WITNESS: Sometime people will just bring you, 8 like, porn in their phone, like, a sex -- you know, 9 porn on their phone. They will show you. Even though 10 you don't want to see it, they just show you. 11 THE INTERPRETER: And it's a chaotic inside the 12 company, she said. 13 BY MS. CALEM: 14 Q Okay. You're talking about somebody showing you a 15 picture on their phone? 16 A (In English, without translation of question) Video. 17 Q A video on their phone? 18 A (In English, without translation of question) They 19 show the video. People touching each other. People 20 touching booty. People touching private. Then they go 21 touch the meat. Something like that is so disgusting. 22 If you go to report to this Carrie, she cannot do 23 nothing. You're gonna -- you're gonna get in trouble. 24 You're gonna get a -- you're gonna have a suspension. 25 And I don't want to report that stuff because I see too</p>	<p style="text-align: right;">Page 107</p> <p>1 Q Is it on your phone when she's showing it to you? 2 A Yes. 3 Q And have you, yourself, gone to human resources to 4 report this? 5 A I seen from Sala because she got some -- 6 THE INTERPRETER: -- she said suspension, from 7 reporting such incident, so she -- she's afraid of 8 going to report such incident. 9 BY MS. CALEM: 10 Q So the answer is no, you have not reported this 11 incident? 12 A Yes. 13 Q Yes, you have not reported it, right? 14 THE INTERPRETER (before translating): No -- yes, 15 she has not reported it. 16 BY MS. CALEM: 17 Q Okay. And how many times has Becky done this? 18 THE INTERPRETER: She said it happened once, and 19 then sometime she -- she has -- that Becky has some 20 behavior like do whatever she was showing. 21 BY MS. CALEM: 22 Q Well, what was that? Because the court reporter can't 23 take down the gesture. What is it that Becky was 24 doing? 25 Well, first of all, let's go to the video. She</p>
<p style="text-align: right;">Page 106</p> <p>1 many times Sala happen. Any time Sala take the report 2 to there, she get -- she was in trouble. So I'm scared 3 to go to report to Scott about these issues, because 4 [inaudible] you in trouble. 5 BY MS. CALEM: 6 Q Okay. My question was, did anybody ever make racist 7 comments after Scott Genzler? 8 A No, I haven't been treated like -- since the incidence 9 with Scott. 10 Q All right. Now, who is it who has shown you these 11 pictures? 12 A Becky. 13 Q Becky Kaufman has shown you these pictures? 14 A (In English, without translation of question) She 15 shows on line me and Sala and the other right on line. 16 Q She shows you and Sala -- 17 A (In English, without translation of question) And 18 another person. 19 Q And one other person? 20 A Yes. 21 Q And what does she show you? 22 A She showed us a porn video on the line while we are 23 work -- 24 Q While you're working? 25 A (In English) Yes. Yeah, on the line.</p>	<p style="text-align: right;">Page 108</p> <p>1 showed you the video once? 2 A (In English, without translation of question) Yes. 3 Q When? 4 THE INTERPRETER: She say a couple of days ago. 5 BY MS. CALEM: 6 Q A couple of days ago she did this, she showed you the 7 video. And did you tell her you don't want to see the 8 video? 9 A (In English) Yes. (Through interpreter) Yes, I tell 10 her. 11 Q Okay. And what else has Becky done? You said -- you 12 were making some gestures. 13 THE INTERPRETER: It's like she will show not only 14 her, it's everybody in the comp -- whatever they -- in 15 the line, where they are standing. She will go to 16 the -- sort of a pole. Like, she will -- 17 Q She will show this porn? 18 THE INTERPRETER: Not porn. A pole, p-o-l-e. 19 MS. CALEM: Poem? 20 THE INTERPRETER: Yeah, like -- 21 MS. CALEM: Pole? 22 THE INTERPRETER: Yeah. 23 MS. CALEM: I don't understand. 24 THE INTERPRETER: Is that how you say that? 25 MS. CALEM: She shows you a pole, p-o-l-e?</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 109</p> <p>1 THE INTERPRETER: Yeah, she like go to a pole, you 2 know -- 3 MS. CALEM: She'll go to a pole? 4 THE INTERPRETER: -- somewhere in the -- within 5 the department and then she will just -- 6 MS. CALEM: Like, start humping it? 7 THE INTERPRETER: Humping it, yeah. 8 BY MS. CALEM: 9 Q So Becky is humping poles in the department? 10 THE INTERPRETER (before translating): In the 11 department, yeah. 12 BY MS. CALEM: 13 Q And how many times has she done that? 14 A (In English) Too many times. 15 Q How many times? More than two? 16 A (In English, without translation of question) Yeah. 17 Q Five times? 18 A Whenever she want -- whatever, I don't know if it a man 19 or woman. She do it whenever he/she wants, every time 20 she -- 21 Q I just am asking, you're saying Becky has this 22 behavior. I want to know, how many times has she done 23 it? 24 A She does it so many times, so I can't -- I can't say, 25 like, how many times.</p>	<p style="text-align: right;">Page 111</p> <p>1 A (Speaking Swahili) 2 Q Just a yes or no. 3 THE INTERPRETER: No. It's no, she hasn't. 4 BY MS. CALEM: 5 Q I understand the reason was you thought that you would 6 get disciplined, but you did not talk to human 7 resources. 8 A Yes. 9 Q Did a supervisor ever see Becky doing this? 10 A No. 11 Q Did you tell a supervisor about it? 12 A No. 13 Q Did you tell a lead, like Lisa Christion, about it? 14 A No. 15 Q All right. Did anyone at Smithfield ever tell you that 16 it was -- 17 THE VIDEOGRAPHER: Elias, you're making a lot of 18 noise with that. Okay. Thank you. 19 MS. CALEM: Well, strike that. 20 BY MS. CALEM: 21 Q All right. Now, after this incident with Scott, you 22 said you've been treated differently. 23 A Yes. 24 Q Tell me how you have been treated differently. 25 THE INTERPRETER: She said you will found, like, a</p>
<p style="text-align: right;">Page 110</p> <p>1 Q When did she start doing this? 2 A She used do it, but I don't remember when she started 3 doing it. 4 Q When was the last time she did it? 5 THE INTERPRETER: She said, after that porn, she 6 hasn't seen -- 7 THE WITNESS: (Speaking Swahili) 8 THE INTERPRETER: After showing them the porn 9 video, she hasn't seen more of that stuff. So -- she 10 say a couple days ago, so I believe would be in those 11 couple days. 12 BY MS. CALEM: 13 Q Did Becky do this last year in 2017? 14 A Yes, 2017 she would show videos. 15 THE WITNESS: (In English) No video. 16 THE INTERPRETER: I mean that demonstration. 17 BY MS. CALEM: 18 Q She would make -- do that behavior? 19 THE INTERPRETER (before translating): Yes, or 20 whatever. 21 BY MS. CALEM: 22 Q And did she do it in 2016? 23 A No, I didn't see such behavior in 2016. 24 Q And did you talk to human resources about that 25 behavior?</p>	<p style="text-align: right;">Page 112</p> <p>1 job which was supposed to be, like, for four people or 2 over more than four people. They would give her do 3 such job by herself. 4 BY MS. CALEM: 5 Q Are you talking about the Arby's work? 6 THE INTERPRETER: Arby's? 7 MS. CALEM: Arby's. 8 THE WITNESS: (In English) Arby's and ribs, yes. 9 (Through interpreter) Yes. 10 BY MS. CALEM: 11 Q Okay. Tell me about the Arby's work. Is that where 12 you pick up the ribs out of a vat? 13 A (In English, without translation of question) And put 14 on the table. 15 Q And put it on the table? 16 A (In English, without translation of question) Yes. 17 Q And isn't it true sometimes people do that by 18 themselves? 19 A (In English) No, no. 20 (Speaking Swahili) 21 (Through interpreter) It's usually two people put 22 on the table and then two other people hang it on a -- 23 on a -- 24 MS. CALEM: On a rack? 25 THE INTERPRETER: On the rack, yeah.</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 113</p> <p>1 BY MS. CALEM: 2 Q And that's work that is not on the production line, 3 right? 4 THE INTERPRETER: She doesn't -- she -- I try to 5 explain to her is [inaudible] of production, but she 6 said it is production because he -- she is in the 7 company, so she thinking -- 8 BY MS. CALEM: 9 Q Oh, I understand that. But is it a moving production 10 line? 11 A It's not -- it's not like a const -- it's not something 12 I would define by doing, like, every day like the other 13 production, like where the people stand and do the same 14 thing. So this is different. It sometime comes like 15 we will do it for a month, you know, do the same job in 16 that month. 17 Q Okay. So if other employees said that they had done it 18 by themselves, would you say that's not true? 19 THE INTERPRETER: She said if -- all the time she 20 been there, she's been doing -- she's seen people, more 21 than one people doing it. So if somebody say she's 22 doing it -- or he/she doing it by himself, it would be 23 a lie. And then she was gone, so... 24 BY MS. CALEM: 25 Q Okay. Now, when were you asked to do this by yourself?</p>	<p style="text-align: right;">Page 115</p> <p>1 Q Are there different size hooks that you can use? 2 A There is two kind. One is a small hook. When the vat 3 is still full, so you use the little ones. And then 4 when it's gone -- you know, has gone down, you use the 5 big hook. 6 Q The bigger hook -- 7 THE INTERPRETER (before translating): Yeah. 8 MS. CALEM: -- to reach deeper in? 9 THE INTERPRETER (before translating): To reach 10 deeper in, yeah. 11 BY MS. CALEM: 12 Q Okay. So the first time was in 2017. Do you remember 13 when in 2017, what month? 14 A I don't remember the month. 15 Q Okay. When was the second time? 16 THE INTERPRETER: She said she tell you -- like 17 she said, she tell you three times. Two times was back 18 in 2017, she doesn't remember exactly the day or month, 19 but the third time is two weeks ago, is not that long 20 ago. 21 BY MS. CALEM: 22 Q And who assigned you two weeks ago? 23 A Lisa send me there. 24 Q Okay. And how -- on the first occasion, how long were 25 you doing it for?</p>
<p style="text-align: right;">Page 114</p> <p>1 A Two weeks ago. 2 Q Two weeks ago. 3 THE INTERPRETER (before translating): Yes. 4 BY MS. CALEM: 5 Q Any other time? 6 A Yeah, it happen quite often, but I can't recall the day 7 and the time. 8 Q Well, part of what we're here to do is to figure out 9 how you were treated differently. So if you're saying 10 this is the way, I need to know when it happened. 11 Do you have an estimate of how many times this has 12 happened? 13 A Like, three times, by estimating. 14 Q Three times. 15 THE INTERPRETER (before translating): Yeah. 16 BY MS. CALEM: 17 Q And when was the first time? Was it 2016? 2017? 18 A 2017. 19 Q And who assigned you to do this work? 20 A Lisa. 21 Q Lisa Christion? 22 A (In English, without translation of question) Yes. 23 Q Okay. And is this the work where the meat is in a big 24 vat and you pick it up with a hook? 25 A Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 A Only two days. 2 Q You did it two days by yourself? 3 A Yes. 4 Q So two days in 2017. All day, two days. 5 THE INTERPRETER: It was, like, one day one time 6 like today, she was doing it by herself, and then the 7 following day, like after a month, they put her back on 8 the same area by herself. But it wasn't like two days 9 straight, no. It's separate days. 10 BY MS. CALEM: 11 Q And when you were put on that, how many hours did 12 you -- were you assigned to do that work? 13 A Because it was -- it was, like, full vats, it took me 14 about three hours because I was myself. 15 Q So you're not -- if you're alone, you're not expected 16 to do as much as four people, are you? 17 A It requires me to work faster, so there are people who 18 is doing the different -- the other people is doing the 19 different job, so the line might keep going. So it 20 requires me to work faster. 21 Q Well, there's no moving production line, right? It's 22 just a big vat of meat and you put it on the table at 23 your own pace; isn't that right? 24 THE INTERPRETER: She said, yes, there would be 25 two people pulling, taking those meat from --</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 117</p> <p>1 Where? Where they are at?</p> <p>2 THE WITNESS: (In English) Table.</p> <p>3 THE INTERPRETER: Table to what?</p> <p>4 THE WITNESS: (In English) Tree.</p> <p>5 THE INTERPRETER: To the tree? Hanging them on a</p> <p>6 tree?</p> <p>7 So she is required to make sure those people are</p> <p>8 not standing or not stopping doing what they doing.</p> <p>9 THE WITNESS: That means I'm the one provide them</p> <p>10 or give them the work of set those meat on the table.</p> <p>11 So I have to work faster in order for them not standing</p> <p>12 or taking any break.</p> <p>13 BY MS. CALEM:</p> <p>14 Q And who told you that?</p> <p>15 A Lisa told me. Because if they miss or not working and</p> <p>16 then she sees it, she will come and yell at you.</p> <p>17 Q Okay. So this happened three times in 2017 and once in</p> <p>18 2018?</p> <p>19 THE INTERPRETER (before translating): Two time in</p> <p>20 2017 --</p> <p>21 MS. CALEM: Right. And one time --</p> <p>22 THE INTERPRETER: Yes.</p> <p>23 MS. CALEM: -- in 2018.</p> <p>24 THE INTERPRETER: She say, yeah, two time in 2017.</p> <p>25 Because she wasn't pregnant, she tolerate it, but --</p>	<p style="text-align: right;">Page 119</p> <p>1 ribs earlier. Is there another type of job she was</p> <p>2 made to do by herself?</p> <p>3 THE INTERPRETER: She said the ribs is the same</p> <p>4 job as the one how she describe the first time where</p> <p>5 they get them from the vat, put on the line, and then</p> <p>6 they took -- the two other guy would take those ribs</p> <p>7 and hang them on the tree.</p> <p>8 So they -- last time she did it, she was by</p> <p>9 herself while there was nine people working on</p> <p>10 different other line, so she tried to ask supervisor</p> <p>11 about it and see if the supervisor may give her one</p> <p>12 other person to help her, but the supervisor say, it's</p> <p>13 fine, you're okay, you can do it.</p> <p>14 BY MS. CALEM:</p> <p>15 Q Well, do you have any work restrictions now?</p> <p>16 A I don't have a work restriction, but I just wanted to</p> <p>17 know why they have been treating like that.</p> <p>18 MS. CALEM: All right. So, just so I'm clear, the</p> <p>19 ribs is the same thing she was talking about before?</p> <p>20 THE WITNESS: (In English) Yes.</p> <p>21 (Through interpreter) Yeah, it's the ribs, but</p> <p>22 they are one meat, so -- but it's the same sort of</p> <p>23 routine.</p> <p>24 BY MS. CALEM:</p> <p>25 Q So it's two times in 2017, one time in 2018?</p>
<p style="text-align: right;">Page 118</p> <p>1 MS. CALEM: She what?</p> <p>2 THE INTERPRETER: She kind of hang -- hanging on</p> <p>3 it, do whatever they ask to do.</p> <p>4 But at this time she was pregnant and they make</p> <p>5 her do the same job while she pregnant and then she is</p> <p>6 in more --</p> <p>7 And then she said the other line had nine people,</p> <p>8 but they had her do the job, which was required -- the</p> <p>9 job which required, like, four people they had her</p> <p>10 doing by herself. So it hurt her to the point where</p> <p>11 she feel like she got treating, like, different,</p> <p>12 different than the other people.</p> <p>13 BY MS. CALEM:</p> <p>14 Q So two weeks ago how -- when she was assigned -- when</p> <p>15 you were assigned to do this, how many hours did you do</p> <p>16 it?</p> <p>17 THE INTERPRETER: They did -- they did it -- she</p> <p>18 said she doesn't remember if it was 6, 9 or 8 hours.</p> <p>19 It was in that range, between 8 -- 6, 9 -- 6.9 and the</p> <p>20 8 hours on that day.</p> <p>21 MS. CALEM: Two weeks ago.</p> <p>22 THE INTERPRETER (before translating): Two weeks</p> <p>23 ago, yeah. She didn't change. She was there the whole</p> <p>24 shift.</p> <p>25 MS. CALEM: Okay. And she said something about</p>	<p style="text-align: right;">Page 120</p> <p>1 A Yes.</p> <p>2 Q Any other times?</p> <p>3 A No.</p> <p>4 Q How else have you been treated differently?</p> <p>5 THE INTERPRETER: She said she have seen that much</p> <p>6 any -- any changing, but she is thinking -- she,</p> <p>7 herself, think because this have been publicized, she</p> <p>8 thinking how the other people receive her -- or see her</p> <p>9 in the company, but she don't have anybody to point it</p> <p>10 out, like this person, you know, this and this to -- or</p> <p>11 this person say this or this person try to do this to</p> <p>12 her.</p> <p>13 MS. CALEM: Okay. But with respect to her work,</p> <p>14 is there any other way she's been treated differently</p> <p>15 since the Scott Genzler incident?</p> <p>16 THE WITNESS: No.</p> <p>17 MS. CALEM: Will you please mark this next in</p> <p>18 order.</p> <p>19 Exhibit 11 is marked for identification.)</p> <p>20 BY MS. CALEM:</p> <p>21 Q Okay. Exhibit 11. Exhibit 11 is a document that we</p> <p>22 received from you in this case, and it's a written</p> <p>23 statement that I think you wrote. Is that accurate?</p> <p>24 A (In English) Yes. (Through interpreter) Yes, I wrote</p> <p>25 it.</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 121</p> <p>1 Q And you wrote it on February 15, 2017?</p> <p>2 A Yes.</p> <p>3 Q Is that your signature at the bottom?</p> <p>4 A (In English) Yes. (Through interpreter) Yes, it is</p> <p>5 my signature.</p> <p>6 Q Why did you write this?</p> <p>7 A I wrote this paper as a witness for Sala.</p> <p>8 Q Did Sala ask you to write this?</p> <p>9 A No.</p> <p>10 Q Who asked you to write this?</p> <p>11 A They call me down to human resources and ask me to say</p> <p>12 what I know what happened.</p> <p>13 Q Who called you to human resources?</p> <p>14 A Carrie.</p> <p>15 Q Carrie called you to human resources. And was it on</p> <p>16 February 15, 2017?</p> <p>17 A It wasn't this date, but this date is when I wrote this</p> <p>18 letter, this paper.</p> <p>19 Q Okay. Why did you write the paper?</p> <p>20 THE INTERPRETER: I want -- she went out of</p> <p>21 bounds. Can you ask her that question again?</p> <p>22 MS. CALEM: Yeah.</p> <p>23 BY MS. CALEM:</p> <p>24 Q I just want to know why this was written down. I</p> <p>25 understand Carrie called you to human resources. And I</p>	<p style="text-align: right;">Page 123</p> <p>1 THE WITNESS: (Speaking Swahili)</p> <p>2 THE INTERPRETER: Yeah, Carrie did not ask him --</p> <p>3 ask her to write it. She wrote it down as a -- like a</p> <p>4 memory, like, to -- to -- like to keep what happened.</p> <p>5 MS. CALEM: Okay. And did anybody ask her to</p> <p>6 write it?</p> <p>7 THE WITNESS: Nobody asked me to write it.</p> <p>8 BY MS. CALEM:</p> <p>9 Q You just decided to write it down?</p> <p>10 A Yes, so I don't forget it.</p> <p>11 Q Because it says, "I, Yvette Nimenya, am a witness of</p> <p>12 Sala Naambwe on September of 2016."</p> <p>13 This sounds like you're making a written statement</p> <p>14 because somebody wanted you to make one. That's not</p> <p>15 how it happened?</p> <p>16 A Since we have this case going on, so I had to write it</p> <p>17 down myself so I do not -- I do not confuse myself or</p> <p>18 try not to mix up the story, so I wrote it down so I --</p> <p>19 like, as a memory of my case so I'm not mixing -- when</p> <p>20 I get asked a question, so I'm not mixing.</p> <p>21 Q But this isn't about your case. This is about</p> <p>22 something that happened to Sala. Why would you write</p> <p>23 that down?</p> <p>24 THE INTERPRETER: She wrote it like a witness for</p> <p>25 myself. Just in case they ask about Sala, she is not</p>
<p style="text-align: right;">Page 122</p> <p>1 want to know when that happened and when you wrote this</p> <p>2 statement.</p> <p>3 A I was called by Carrie, and then she told me to write</p> <p>4 down what I know and what I saw.</p> <p>5 Q All right. And did you then give this paper back to</p> <p>6 Carrie?</p> <p>7 A I don't remember give this paper to Carrie.</p> <p>8 Q So Carrie asked to you write it down, but you don't</p> <p>9 remember if you gave this to her?</p> <p>10 THE INTERPRETER: I'm getting confused because I</p> <p>11 ask her who -- who she give the paper. She doesn't</p> <p>12 remember. She says she doesn't remember if she give to</p> <p>13 Carrie, but she knows that's a copy of her letter she</p> <p>14 wrote.</p> <p>15 BY MS. CALEM:</p> <p>16 Q Okay. Well, I'm confused, because the date on this is</p> <p>17 February 15, 2017, but it starts out talking about</p> <p>18 something that happened September of 2016.</p> <p>19 THE INTERPRETER: So she say -- so she say she</p> <p>20 was -- she wrote it down, this, because she did not</p> <p>21 want to forget what happened on that day. That's why</p> <p>22 she wrote it down like a memory.</p> <p>23 BY MS. CALEM:</p> <p>24 Q So Carrie didn't ask you to write it down?</p> <p>25 THE INTERPRETER: No, not Carrie ask her to write.</p>	<p style="text-align: right;">Page 124</p> <p>1 mixing. That's what she said.</p> <p>2 BY MS. CALEM:</p> <p>3 Q Did Sala ask you to write this?</p> <p>4 A No.</p> <p>5 Q All right. So in this incident where you said Becky</p> <p>6 told Sala "fuck you." Were you there?</p> <p>7 A Yes, I was there, and I heard that.</p> <p>8 Q You heard Becky say "fuck you"?</p> <p>9 A Yes, I heard that.</p> <p>10 Q And who else was there?</p> <p>11 A I don't remember people who were there on the line.</p> <p>12 Q And you said that, in this statement, people were</p> <p>13 called to the personnel office?</p> <p>14 A Yes.</p> <p>15 Q And were you alone in the personnel office, or were</p> <p>16 there other people?</p> <p>17 A I went there alone.</p> <p>18 Q You went in there alone. And who did you talk to?</p> <p>19 A I talk to Carrie.</p> <p>20 Q And Carrie asked you about this incident where Becky</p> <p>21 said "fuck you"?</p> <p>22 A Yeah, Carrie ask me if I heard this being said, and</p> <p>23 then I said yes, because I heard it being said. And</p> <p>24 then Carrie asked me, why you always sticking things</p> <p>25 that you hear.</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

Page 133

1 Juan Ogaldez?

2 A Yes.

3 Q And in this picture he's not touching Sala, is he?

4 A Yeah, they were touching each other. Because when they

5 open the net, like vice versa, they touch each other

6 when they open -- when they are opening --

7 Q My question was, in this picture, is he touching Sala?

8 A (In English) Yes.

9 Q Where? Where is he touching her?

10 THE INTERPRETER: She said they are close to each

11 other. She's -- he's touching her.

12 BY MS. CALEM:

13 Q Which -- point to the part of the picture where he's

14 touching her.

15 A (In English) When he open the sock, he would been

16 touching her.

17 Q In this picture, though, he's not touching her, right?

18 You don't need to look at Sala to answer the

19 question.

20 A (In English, without translation of question) They

21 did. They touch each other.

22 Q In this picture, is he touching her?

23 A (In English, without translation of question) Yes,

24 they --

25 MS. POCHOP: And I object that it is asked and

Page 134

1 answered.

2 MS. CALEM: It has not been answered. She keeps

3 saying when they open the socks, he touches her.

4 BY MS. CALEM:

5 Q But is that what's happening in this picture?

6 A On this photo he is not touching her.

7 Q All right. He's standing behind her, right?

8 A Yes.

9 Q And on page 245 he's not touching her either, is he?

10 A Yeah.

11 Q He's touching her?

12 A (In English, without translation of question) No.

13 Q He's not touching her.

14 And is there any other picture here that you know

15 what it is? You said 247 you knew.

16 A (In English) 247?

17 (Discussion between the interpreter and the

18 witness.)

19 THE WITNESS: No.

20 BY MS. CALEM:

21 Q You don't know what 247 is?

22 A (In English) No.

23 Q You don't know that one.

24 A (In English, without translation of question) No.

25 Q Okay. And so you took these pictures to show that Sala

Page 135

1 and Juan were working on the same line together; is

2 that true?

3 A (In English, without translation of question) Yes.

4 THE INTERPRETER: (Speaking Swahili)

5 THE WITNESS: Yes.

6 BY MS. CALEM:

7 Q And, in 2014, Sala had a complaint against Juan, right?

8 A Yes.

9 Q And she said that he pointed at his penis; is that

10 right?

11 A Yeah, that guy tell her to touch his penis.

12 Q He -- well, did he say, in words "touch my penis" to

13 Sala?

14 A Yes.

15 Q Yes? You heard that?

16 A When she was working there, I didn't hear that. I

17 didn't hear that.

18 Q You did not hear Juan say that to her --

19 A (In English, without translation of question) No.

20 Q -- did you?

21 A (In English, without translation of question) No.

22 Q And did Sala say that he told her in words "touch my

23 penis"?

24 A Yeah, Sala told me this.

25 Q That's what she told you.

Page 136

1 THE INTERPRETER (before translating): Yeah.

2 BY MS. CALEM:

3 Q Do you recall that there was an investigation of that

4 incident by human resources?

5 A Yeah, they -- since I started -- I started before Sala,

6 so they -- they call me downstairs in HR like a witness

7 to go there to say what I know.

8 Q All right. And did you see Juan point to his penis to

9 Sala?

10 A No, I didn't see. (In English) Sala told me.

11 Q Okay. And you went down to human resources and you

12 spoke to Carrie and Rick Stokke?

13 MS. CALEM: Is that how you say that?

14 MR. REED: Stokke.

15 MS. CALEM: Rick Stokke?

16 THE WITNESS: (In English) Yes. (Through

17 interpreter) Yes, I tell them.

18 BY MS. CALEM:

19 Q Okay. And did you tell them at that time that you had

20 not seen Juan do anything to Sala but Sala told you

21 about it?

22 A Yes, they call me, and I tell them that Sala told me

23 the incident, the whole story.

24 Q Did you tell human resources at that time that Juan

25 made a motion to you but you think he was joking? This

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 137</p> <p>1 was a couple of years before.</p> <p>2 A Yeah, he -- I told them that this guy, this man is --</p> <p>3 THE INTERPRETER: I forgot his name.</p> <p>4 MS. CALEM: Juan.</p> <p>5 THE WITNESS: -- Juan try a couple times to seduce</p> <p>6 me sort of -- I mean, to convince me to touch him, but</p> <p>7 I did not complain about it. That was prior the</p> <p>8 incident with Sala. I told him to stop.</p> <p>9 BY MS. CALEM:</p> <p>10 Q Well, isn't it true that you told them that he just</p> <p>11 pointed at his penis?</p> <p>12 A Yeah, he was telling me to touch his penis.</p> <p>13 Q In words, he said, "Yvette, touch my penis"?</p> <p>14 A It was a demonstration.</p> <p>15 Q He was just pointing at his penis?</p> <p>16 A (In English) Yeah. (Through interpreter) It was</p> <p>17 demonstration, hand gesture.</p> <p>18 Q And I have notes from human resources that say that he</p> <p>19 joked -- you told them he jokes around a lot but it</p> <p>20 doesn't bother you. Is that accurate?</p> <p>21 THE INTERPRETER: She said that kind of habit or</p> <p>22 that kind of attitude is not appropriate at the</p> <p>23 workplace. If he is joking on that, in the future, in</p> <p>24 the near future, he might meet somebody who doesn't</p> <p>25 take a joke as a joke, so he need to stop. So I tried</p>	<p style="text-align: right;">Page 139</p> <p>1 Q So you did not tell them that?</p> <p>2 A I told them that he's telling me to touch his penis,</p> <p>3 but I also tell them I don't know if he is joking or if</p> <p>4 he is not joking.</p> <p>5 Q In fact, you asked Juan for a ride home a couple of</p> <p>6 times, didn't you?</p> <p>7 A Not even once.</p> <p>8 Q So if somebody said they saw you going in Juan's car,</p> <p>9 that would not be true?</p> <p>10 A I remember him ask me ride. He had a problem with a</p> <p>11 car. But I had my own car. He was asking me to give</p> <p>12 him a ride.</p> <p>13 Q To give him a ride.</p> <p>14 THE INTERPRETER (before translating): Yeah.</p> <p>15 BY MS. CALEM:</p> <p>16 Q Did you give him a ride?</p> <p>17 A Yeah, I did give him a ride.</p> <p>18 Q How many times?</p> <p>19 A It was like a month that I was taking him from work</p> <p>20 to -- and to drop him to his house, but not me taking</p> <p>21 him to work. So he would find a way to get to his --</p> <p>22 or to work. Then I would drop him off after work.</p> <p>23 Q For about a month?</p> <p>24 A After -- because he didn't have a car. After he -- he</p> <p>25 broke up with his girlfriend, he started ask me to give</p>
<p style="text-align: right;">Page 138</p> <p>1 to stop him. That's what I told them, that I don't</p> <p>2 know if is a joke or is real attitude or --</p> <p>3 BY MS. CALEM:</p> <p>4 Q Okay. Didn't you tell human resources you did not have</p> <p>5 a problem working with Juan?</p> <p>6 A Yeah, because of his word, I didn't like his</p> <p>7 reaction -- or actions. Every time, I tried to stop</p> <p>8 him. But I didn't like his actions.</p> <p>9 Q But didn't you tell human resources he had done this to</p> <p>10 you once?</p> <p>11 A I don't remember if I said it once or more than once.</p> <p>12 I don't remember the whole thing.</p> <p>13 Q Okay. Well, in 2014 you're in human resources talking</p> <p>14 to Carrie and Monica, right?</p> <p>15 A Yes.</p> <p>16 Q And I have notes here that they wrote, and it says,</p> <p>17 "Yvette said Juan jokes a lot on the line but never</p> <p>18 said touch his privates. Yvette does not have a</p> <p>19 problem working with Juan, did not take anything</p> <p>20 serious or be offended."</p> <p>21 Did you say that to human resources?</p> <p>22 A Since they were writing what I was saying, maybe they</p> <p>23 didn't write correct what I was saying, because they</p> <p>24 did not read that to me what they had written down. So</p> <p>25 that's not how accurate I said it.</p>	<p style="text-align: right;">Page 140</p> <p>1 him a ride and to drop him off to his place.</p> <p>2 Q Then you did that for maybe a month?</p> <p>3 A Yeah, because he was telling me that he was going to</p> <p>4 buy his own car after a month.</p> <p>5 Q Do you -- did you ever tell Juan that Sala was lying</p> <p>6 and that you apologized to him because Sala was lying?</p> <p>7 A No, we talk anything similar like that.</p> <p>8 Q And you never said that to anybody else, that Sala had</p> <p>9 lied about Juan to get him into trouble?</p> <p>10 A I never said that Sala lied, or mention such thing.</p> <p>11 Q Okay. And then after Sala made this complaint, do you</p> <p>12 know how it was resolved in human resources? Were you</p> <p>13 there when they decided how to resolve it?</p> <p>14 A I wasn't there. I don't know.</p> <p>15 Q All right. And when Juan made this gesture to you</p> <p>16 earlier, you did not tell human resources about it,</p> <p>17 did you?</p> <p>18 A I didn't report anything to the HR or even to my</p> <p>19 supervisor, but I told him in person, like, verbally</p> <p>20 stop doing it.</p> <p>21 Q And he stopped doing it?</p> <p>22 A Yeah, they change him there. I wasn't close to him, so</p> <p>23 they -- they block Sala, you know, close to him,</p> <p>24 working close to him. Then I was changed.</p> <p>25 Q My question was, after you told Juan "don't do that,"</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

<p style="text-align: right;">Page 153</p> <p>1 A Yes.</p> <p>2 Q And what about the following page?</p> <p>3 A Yes.</p> <p>4 Q Yes?</p> <p>5 THE INTERPRETER (before translating): Yes.</p> <p>6 BY MS. CALEM:</p> <p>7 Q And the next page also?</p> <p>8 A Yes.</p> <p>9 Q And then on the last page, that's your signature?</p> <p>10 A (In English) Yes. (Through interpreter) Yes, it is</p> <p>11 my signature.</p> <p>12 Q Was anyone with you when you filled this out?</p> <p>13 A No.</p> <p>14 Q Did BJ Motley help you answer any of these questions?</p> <p>15 A No.</p> <p>16 Q Was Sala with you when you filled this out?</p> <p>17 A No.</p> <p>18 Q Did you and Sala compare the answers you gave on these</p> <p>19 forms?</p> <p>20 A I showed her the -- the form.</p> <p>21 Q And did she show you hers?</p> <p>22 A Yes.</p> <p>23 Q Okay. Do you know who filled out the form first, you</p> <p>24 or Sala?</p> <p>25 A It was Sala first.</p>	<p style="text-align: right;">Page 155</p> <p>1 you know, write this form?</p> <p>2 A I don't know if there is anybody who help Sala, but</p> <p>3 what I did was I copy down what Sala has.</p> <p>4 Q All right. We talked about the way you think you've</p> <p>5 been treated differently than other people. You said</p> <p>6 that Lisa Christion was the one who assigned you to</p> <p>7 work alone.</p> <p>8 A Yes, it was Lisa Christion.</p> <p>9 Q Was Lisa involved in the incident involving Scott</p> <p>10 Genzler?</p> <p>11 A Yeah, Lisa was there because the other supervisor was</p> <p>12 already went home, but Lisa was there, was present.</p> <p>13 Q Okay. Is Lisa friends with Scott Genzler?</p> <p>14 A No, I don't know.</p> <p>15 Q Can you think of any reason why Lisa would want to</p> <p>16 treat you differently?</p> <p>17 A I don't know.</p> <p>18 Q Other than what we've discussed here today, is there</p> <p>19 any other incident that's happened at work that you</p> <p>20 believe is covered by your lawsuit?</p> <p>21 A Besides whatever been said, I don't have anything to</p> <p>22 add to it.</p> <p>23 Q Okay. Because your lawsuit is saying that you've been</p> <p>24 retaliated against because you complained about Scott</p> <p>25 Genzler. So is there any other way you think you've</p>
<p style="text-align: right;">Page 154</p> <p>1 Q And did you look at her form before you filled yours</p> <p>2 out?</p> <p>3 A Yeah, I looked at it.</p> <p>4 MS. CALEM: All right. Let's go off the record so</p> <p>5 I can review my notes. I think I'm almost done.</p> <p>6 THE VIDEOGRAPHER: Okay. We're going off the</p> <p>7 record. It's 4:37.</p> <p>8 (Recess taken from 4:37 p.m. to 4:51 p.m.)</p> <p>9 THE VIDEOGRAPHER: We are back on the record.</p> <p>10 It's 4:51.</p> <p>11 BY MS. CALEM:</p> <p>12 Q We're just going to finish up the questioning here.</p> <p>13 Ms. Nimenya, I asked you earlier if BJ Motley</p> <p>14 helped you fill out any of those forms, either the NLRB</p> <p>15 form or the EEOC forms.</p> <p>16 A What --</p> <p>17 Q It was the EEOC exhibits -- the EEOC form. It was</p> <p>18 Exhibit 13, I believe.</p> <p>19 And you said BJ did not help you fill that out?</p> <p>20 A No, BJ did not help me to do it.</p> <p>21 Q Okay. Did you copy --</p> <p>22 A I wrote it down.</p> <p>23 Q You wrote it down. Did you copy Sala's form?</p> <p>24 A Yes.</p> <p>25 Q Did any other union representative help you or Sala, if</p>	<p style="text-align: right;">Page 156</p> <p>1 been retaliated against?</p> <p>2 A I think the whole thing is based on -- for what I</p> <p>3 think, is based on the Scott Gonzalez [sic] case.</p> <p>4 Q Okay. But what I'm asking is, is there any other way,</p> <p>5 any other thing that happened that is because of your</p> <p>6 complaint about Scott Genzler?</p> <p>7 A Like I said, after my complaining with Scott Gonzalez</p> <p>8 [sic] and they, you know, try to give me heavy work,</p> <p>9 try to use me by myself on the line on a job that's</p> <p>10 supposed to be worked by four people, besides that, I</p> <p>11 don't have anything else.</p> <p>12 Q Okay. Do you like your job?</p> <p>13 A Yes, I love my job.</p> <p>14 MS. CALEM: Okay. I have nothing further.</p> <p>15 MS. POCHOP: All right. We will read and sign.</p> <p>16 MS. CALEM: Thank you for your time, Ms. Nimenya.</p> <p>17 And we are off the record.</p> <p>18 THE VIDEOGRAPHER: This is the conclusion of the</p> <p>19 deposition. It's now 4:57 p.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Sala Naambwe and Yvette Nimenya v.
Smithfield Foods, Inc.

Yvette Nimenya
May 23, 2018

Page 157

1 STATE OF SOUTH DAKOTA

2

CERTIFICATE

3 COUNTY OF LINCOLN

4 I, Audrey M. Barbush, a Registered Professional

5 Reporter and Notary Public, do hereby certify that the

6 witness was first duly sworn by me to testify to the truth,

7 the whole truth, and nothing but the truth relative to the

8 matter under consideration; that the foregoing pages 4-156,

9 inclusive, are a true and correct transcript of my stenotype

10 notes; that the witness did not waive the reading and

11 signing of the deposition transcript.

12 I further certify that I am not a relative or employee

13 or attorney or counsel of any of the parties or a relative

14 or employee of such attorney or counsel, and that I am not

15 financially interested in this action.

16 In testimony whereof, I have hereto affixed my

17 signature this 11th day of June, 2018.

18

19

20

21

/s/Audrey M. Barbush

22

23

24

25